



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.3650 of 2010

and

M.P(MD)No.1 of 2014

J.Jesu Mary

... Petitioner

Vs

1.The Union of India,
Represented by its Secretary to Government,
Home Department, New Delhi.

2.Embassy of India,
Riyadh,
Saudi Arabia (w.e),
Represented by its Ambassador,
C/o.the Diplomatic Bag Section,
Ministry of External Affairs,
Government of India,
South Block, New Delhi -110 001.

3.The State of Tamil Nadu,
Represented by its Home Department,
Fort Saint George, Chennai - 9.

4.The District Collector,
Kanyakumari District,
Nagercoil.

5.The Secretary to Government,
Ministry of External Affairs Department,
Union of India, New Delhi.

... Respondents

[R5 impleaded vide order dated 19.12.2011 in
M.P.No.1 of 2011]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents 1,3 and 4 to forthwith pay suitable relief amount to the petitioner and to her three minor children within a time that may be fixed by this Court and to direct the respondents 1 and 2 to arrange for settlement of death compensation of the petitioner's husband late Tiyason Antoniappan payable by the Government of Saudi Arabia.



For Petitioner : Mr.A.Rahul
For Respondent : Mr.D.Gandhiraj,
Nos.3 and 4 Special Government Pleader
For Respondent : Ms.L.Victoria Gowri
Nos.1,2 and 5

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ORDER

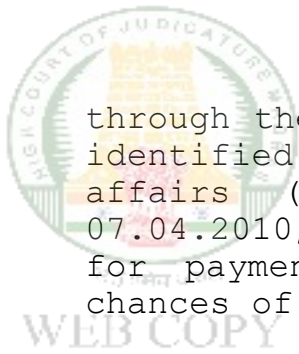
This writ petition is filed by one J.Jesu Mary, W/O.Anthoniyappan Tiyanan, resident of Kanyakumari district seeking for a direction for grant of compensation for the demise of her husband.

2.The petitioner's husband namely, Anthoniappan Tiyanan got employment in Saudi Arabia as Fishing Worker in Qatif Port. When he was employed in a fishing boat, namely, SAHAB ALSANI-2 No.10784 on 17.01.2009, in the sea pirates' attack, he died on the spot. The petitioner is suffering with her three children and due to sudden death of her husband, the entire family is in peril. Therefore, she made a representation seeking compensation to the authorities concerned but the same was not considered. Hence the petitioner has filed this writ petition.

3.The learned Counsel for the petitioner submits that due to sudden death of the petitioner's husband, the petitioner is finding it very difficult to take care of her three children.

4.The learned Special Government Pleader appearing for the State submits that it is true that the petitioner's husband was working in Saudi Arabia in Qatif fishing port and he died while he was in employment. The petitioner submitted a representation seeking compensation and the same was forwarded to the Ministry of External Affairs, Government of India, New Delhi for payment of compensation and also to the Embassy of India, Riyadh, Saudi for taking necessary action. The learned Special Government Pleader further submits that the petitioner is working as a Secondary Grade Teacher in the Government Higher Secondary School, Manavalakurichi. There is no financial sufferings as claimed by the petitioner.

5.The learned Assistant Solicitor General of India appearing for the Central Government submits that the death compensation (blood money) for the death caused by the accident / murder is payable by the causer of the accident/ murder as per the Law prevailing in the Saudi Arabia. Therefore, the Saudi Arabian Government is liable to pay compensation. Moreover, the Government of India has taken up the issue to the Saudi Arabian Government



through the Embassy and it is stated that the murderer could not be identified so far. The Embassy had requested the Ministry of Foreign affairs (Saudi Ministry of Foreign Affairs) on 18.10.2009, 07.04.2010, 29.06.2013, Feb 2017 and 02.03.2022 to consider the case for payment of compensation through the State Treasury as the chances of tracing the causer seems to be remote.

6.The learned Assistant Solicitor General of India further submits that the Government of India is not liable to pay any compensation to this petitioner and the Saudi Arabian Government is liable to pay the compensation. The Government of India is also taking all possible and earnest steps through the Ministry of External Affairs. The Second respondent has sent a communication that the Ministry of Foreign Affairs has finally replied to Mission's NV of 02.03.2022 stating that they have directed the Governor of Ras Tanura Province to look into the matter as per rules and regulations and their reply will be communicated to Embassy.

7.This Court has considered the rival submissions and perused the materials placed on record.

8.It is not in dispute that the petitioner's husband was working in Saudi Arabia in a fishing boat namely SAHAB ALSANI and he was killed in the attack of sea pirates on 17.01.2009. The petitioner is also working as a Secondary Grade Teacher in the Government Higher Secondary School, Manavalakuichy.

9.The petitioner has sought compensation for the death of his husband. According to the learned Assistant Solicitor General of India, if at all any compensation to be paid to the petitioner, it has to be paid only by the Saudi Arabian Government and not by the Government of India. There were several communications from the Embassy of India to the Ministry of Foreign Affairs (Saudi Ministry of Foreign Affairs) on 18.10.2009, 07.04.2010, 29.06.2003, Feb 2017, and recently on 02.03.2022. In response to the same, the Ministry of Foreign Affairs has stated that they have directed the authorities concerned, viz., the Governor of Ras Tanura Province to look into the issue as per the rules and regulations. While so, further response is awaited from the Saudi Arabian Government.

10.The Government of India has taken up the issue to the Saudi Arabian Government and they have also directed the authority concerned to look into the issue.

This writ petition is pending from the year 2010 and keeping this petition any more would not serve any purpose. Under such circumstances, this writ petition is disposed of with a direction to the fifth respondent, the Secretary to the Government, Ministry of External Affairs, New Delhi to ensure that the issue is addressed by the Ministry of Foreign Affairs, Saudi Arabia and to find out the possibility of granting compensation to this petitioner at the



earliest, possibly within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar

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/ /2022

Sub Assistant Registrar(CS)

dsk

To

- 1.The Secretary to Government,
Home Department, New Delhi.
- 2.The Ambassador,
Embassy of India,
Riyadh, Saudi Arabia (w.e),
C/o. The Diplomatic Bag Section,
Ministry of External Affairs,
Government of India,
South Block, New Delhi -110 001.
- 3.The Secretary to Government of Tamil Nadu,
Home Department,
Fort Saint George,
Chennai - 9.
- 4.The District Collector,
Kanyakumari District,
Nagercoil.
- 5.The Secretary to Government,
Ministry of External Affairs Department,
Union of India, New Delhi.

+1 CC to M/s.A.RAHUL, Advocate (SR-22298[F] dated 28/04/2022)

+1 CC to M/s.SPL.GP. (SR-22525[F] dated 29/04/2022)

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27.04.2022

bk(CO)

TR(08.06.2022) 4P 8C