



W.P(MD)No.15122 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15122 of 2022

Ranola Alex

... Petitioner

Vs.

- 1.The Union of India,
Represented by its Secretary to Government,
Ministry of External Affairs,
Jawahar Lal Nehru Bhavan,
South Block, New Delhi.
- 2.The High Commissioner (Ambassador) of Saudi Arabia,
Royal Embassy of Saudi Arabia,
No.2, Pachahimi Marg,
Vasant Vihar,
New Delhi – 110 057.
- 3.The Consul General of India,
JEDDAH (K.S.A.), C/o.Diplomatic Bag Section,
Ministry of External Affairs, South Block,
New Delhi – 110 011.
- 4.The Protector General of Emigrants,
Ministry of Overseas Indian Affairs,
9th Floor, Akbar Bhawan,
Chanakyapurai,
New Delhi – 110 001.
- 5.The Secretary to Government,
Public (RH-1) Department,
Secretariat, Chennai 600 009.



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6.The District Collector,
Kanyakumari District,
Kanyakumari – 629 001.

7.Villayan Murugan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 7 to bring back of the mortal remains of the petitioner's husband Late.Mr.Alex Michael and his belongings from Saudi Arabia to India and handover the same to the petitioner.

For Petitioner : Mr.K.Ragateesh Kumar,
For M/s.Isaac Chambers.

For Respondents : Mrs.L.Victoria Gowri,
Asst. Solicitor General for R2, R3 & R4.
Mr.G.Sivaraja,
Govt. Advocate for R5 & R6.

ORDER

Heard the learned counsel for the writ petitioner, the learned Assistant Solicitor General for the respondents 1, 3 and 4 and the learned Additional Government Pleader for the respondents 5 and 6. The seventh respondent could not be served as he is presently out of India.



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2.The writ petitioner's husband passed away in Saudi Arabia in July 2020. The petitioner wants the mortal remains to be brought back to India.

3.When the matter was taken up for hearing, the learned Assistant Solicitor General submitted that the petitioner's husband has been buried in Saudi Arabia itself. The petitioner's counsel would point out that there are certain procedures to be observed when an Indian citizen dies in a foreign country and that those procedures do not appear to have been followed in the present case.

4.I do not want to go into the said contention raised by the learned counsel for the petitioner. The fact remains that the petitioner's husband was buried in Saudi Arabia itself because Covid-19 pandemic was then at its peak. As per the protocol followed by Saudi Arabian authorities whenever death intimation was received, within 72 hours, the body was being disposed of and transportation was not allowed. This writ petition came to be filed only July 2022. In other words, the petitioner wants the mortal remains of her husband back when the burial had taken place in July 2020. In my view, the prayer sought for by the writ petitioner cannot be granted at all. However, liberty is



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given to the writ petitioner to file a fresh writ petition as regards bringing back the belongings of her husband. The petitioner of course has to mention the correct address of the seven respondent.

5.With this observation, the writ petition is dismissed. No costs.

11.08.2022

Index : Yes / No
Internet : Yes/ No
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To:-

1.The Secretary to Government,
Public (RH-1) Department,
Secretariat, Chennai 600 009.

2.The District Collector,
Kanyakumari District,
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G.R.SWAMINATHAN, J.

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