



W.P(MD)No.18972 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18972 of 2015

A.Antony Yagappa

... Petitioner

Vs.

- 1.The Union of India,
Rep. by its Secretary to Government,
Ministry of External Affairs,
Jawahar Lal Nehru Bhavan,
South Block, New Delhi- 110 004.
- 2.The Union of India,
Rep. by its Secretary to Government,
Ministry of Overseas Indian Affairs,
Akbar Bhavan, Chanakyapuri,
New Delhi - 110 021.
- 3.The Protector General of Emigrants,
The Ministry of Overseas Indian Affairs,
9th Floor, Akbar Bhavan, Chanakyapuri,
New Delhi- 110 021.
- 4.The High Commissioner (Ambassador)
of Saudi Arabia,
Royal Embassy of Saudi Arabia,
No: 2, Pachchmi Marg, Vasant Vihar,
New Delhi- 110 057.



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5. The Consulate General of the Saudi Arabia,
Market Tower, “F” 4th Floor, Cusse Parade,
Mumbai- 400 005.
6. The First Secretary (Cons),
The Consulate General of India,
Embassy of India,
B-1, Diplomatic Quarter,
P.O Box- 94387, Riyath-11693,
Kingdom of Saudi Arabia.
7. The High Commissioner of India,
The Indian High Commission,
Al Rashid of Mutlaq Building,
Central Hospital Street (Al Mustashfa Street),
Cross 19, Al Adama, Behind Creative Academy,
Dammam. Saudi.
8. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai- 600 008.
9. The Home Secretary,
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai- 600 008.
10. The Principal Secretary and Commissioner,
The Commissionerate of Rehabilitation and
Welfare of Non-Resident Tamils,
Chepack, Chennai – 600 005.
11. The Joint Secretary,
Government of Tamil Nadu,
Public (RH-I) Department,
Secretariat,
Chennai – 600 009.



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- 12.The District Collector,
District Collectorate,
Thanjavur District.
- 13.The Director General of Police,
The Office of Director General of Police,
Dr. Radakrishnan Salai,
Chennai – 600 004.
- 14.The Commissioner of Police,
Office of the Commissioner of Police,
Pudukottai Road, Subramaniapuram,
Trichy District- 620 020.
- 15.The Superintendent of Police,
District Court Road,
Thanjavur District.
- 16.The Deputy Superintendent of Police,
District Crime Branch, Court Road,
Thanjavur District - 613 001.
- 17.The Inspector of Police,
South Police Station,
Thanjavur District.
- 18.The Inspector of Police,
Cantonment Police Station,
Trichy District.
- 19.Bhuhari (Sub-Agent),
Vasantham Cable Vision Complex,
Koviladi, Ayyampettai Post,
Papanasam Taluk, Thanjavur District.
- 20.Iqbal, Proprietor, Indian Overseas Travels,
Opposite to Central Bus Stand,



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Nearby Kavitha Restaurant,
Trichy District - 620 001.

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21. Saeed Al-Quatani,
Assistant Coordination Manager Legal-SA,
Yusuf Bin Ahmed Knoo Company Ltd,
(Group Legal Department),
King Saud Street, P.O Box 37,
Dammam 31411, Kingdom of Saudi Arabia.

22. The Dean of the Hospital,
Annai Gandhi Memorial Government Hospital,
Puthur, Trichy District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 and respondents 6,7 and 22 herein to give the petitioner a compensation of Rs.2,00,00,000/- (Rupees Two Crores only) for the death of his daughter A.Immaculate aged 27 years at Dammam, Saudi Arabia either jointly or severally and consequently directing the respondents 1 to 4 to initiated stringent departmental action against the respondents 6 and 7, who were at the relevant time, by considering the petitioner's representation dated 25.07.2015.

For Petitioner : Mr.K.Jeyamohan

For Respondents : Mr.S.RA.Ramachandhran,
Addl. Government Pleader for R8 to R12.
Mr.D.Saravanan for R1 & R2.
Mr.R.Maheswaran for R20.
No appearance for R5, R15 to R19 & R22.



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ORDER

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Heard both sides.

2.The writ petitioner's daughter / Immaculate went to Saudi Arabia with the fond hope that she would get employment as a Computer Operator. Unfortunately, she was made to work as domestic maid. Unable to come to terms with the unexpected situation, she committed suicide. The respondents 19 and 20 had interacted with the petitioner and they made the overseas arrangement after taking substantial sum of money from the writ petitioner. The writ petitioner filed W.P.(MD)No.11534 of 2012 and with great difficulty, the body of the deceased was brought back to India. The Government of India had confirmed in writing that the respondents 19 and 20 have not been registered for overseas man power recruitment.

3.I may tentatively observe that the materials prima facie indicate that the respondents 19 and 20 had acted illegally in their dealings with the petitioner. No action can be taken against the 20th respondent. The learned counsel who filed vakalat for the 20th respondent informs the



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Court that he is no more. The petitioner of course had demanded payment of compensation against the Government of India. I fail to understand as to how liability can be fastened on the Government of India. The death was not a normal one. It was a case of suicide. It has taken place in Saudi Arabia. This Court can take judicial notice of the difficulties that one will encounter if such a death occurs in a place like Saudi Arabia. With great difficulty, the body was brought back. The materials placed before this Court are utterly insufficient to fasten any kind of liability on the Government.

4.However taking note of the fact that the 19th respondent even though has not registered himself still chose to deal with the petitioner and it was he who along with 20th respondent arranged the petitioner's daughter's overseas employment, I permit the petitioner to lodge a complaint before the 18th respondent (the Inspector of Police, Cantonment Police Station, Trichirappalli District). The 18th respondent will register an FIR based on the petitioner's complaint and take action against the 19th respondent in the manner known to law.



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5.This writ petition is disposed of accordingly. No costs.

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

- 1.The Chief Secretary,
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai- 600 008.
- 2.The Home Secretary,
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai- 600 008.
- 3.The Principal Secretary and Commissioner,
The Commissionerate of Rehabilitation and
Welfare of Non-Resident Tamils,
Chepack, Chennai – 600 005.
- 4.The Joint Secretary,
Government of Tamil Nadu,
Public (RH-I) Department,
Secretariat,
Chennai – 600 009.
- 5.The District Collector,
District Collectorate,

7/10



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Thanjavur District.

6.The Director General of Police,
The Office of Director General of Police,
Dr. Radakrishnan Salai,
Chennai – 600 004.

7.The Commissioner of Police,
Office of the Commissioner of Police,
Pudukottai Road, Subramaniapuram,
Trichy District- 620 020.

8.The Superintendent of Police,
District Court Road,
Thanjavur District.

9.The Deputy Superintendent of Police,
District Crime Branch, Court Road,
Thanjavur District - 613 001.

10.The Inspector of Police,
South Police Station,
Thanjavur District.

11.The Inspector of Police,
Cantonment Police Station,
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