



WP(MD)No.8976 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

CORAM:

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

**WP(MD)No.8976 of 2016**

Elizabeth Rani

: Petitioner

Vs.

- 1.The Secretary,  
External Affairs Department,  
Government of India,  
New Delhi.
- 2.The First Secretary (CS) / Counsellor,  
(Counsellor and Chief Welfare Officer),  
High Commission of India in Malaysia.
- 3.The Protector General of Immigrants,  
Ministry of Overseas Indian Affairs,  
9<sup>th</sup> Floor, Akbar Bhawan, Chanakyapuri,  
New Delhi.
- 4.The Under Secretary to Government,  
Public (RH-I) Department,  
Secretariat, Chennai.
- 5.The Head of Branch Secretariat,  
Ministry of External Affairs Department,  
68, College Road,  
Chennai.



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6.The District Collector,  
Sivagangai,  
Sivagangai District.

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 to 6 to arrange for conducting a detailed enquiry into the suspicious death of the petitioner's husband, namely, Late Arulsamy Lazar, upon obtaining the postmortem report from the Malaysian Authorities concerned and to consequently arrange for payment of death compensation, including the Insurance Claim, which is due and payable from the concerned authorities in Malaysia, ie., the second respondent, within a stipulated time limit.

For Petitioner : Mr.P.Samuel Gunasingh

For Respondents : Mr.Sakthi Kumaran  
for Mr.R.Murugappan  
Central Government Standing Counsel  
for R.1 to R.3, R.5

Mr.T.Vilavankothai  
Additional Government Pleader  
for R.4, R.6

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### **ORDER**

The petitioner filed this writ petition filed for a mandamus directing the respondents 1 to 6 to conduct an enquiry into the suspicious death of her husband, namely, Arulsamy Lazar and for compensation.



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2. According to the petitioner, her husband went to Malaysia in the year 2012 to earn money for their livelihood and that they are having two children. On 28.12.2015, at about 05.30 pm, she received a call from her husband and her husband was not comfortable and thereafter, the call was disconnected. Her husband again called her son at about 06.45 pm and at 09.50 pm and later, she was informed that her husband passed away in a private hospital.

3. The grievance of the petitioner is that postmortem certificate was not given to her and from the death report, which was produced to her, the cause of death could not be identified. Therefore, the petitioner submitted several representations to the respondents and she received a reply on 07.03.2016 that the second respondent was directed to arrange for an enquiry to find the cause of the death of the petitioner's husband and to get the death compensation from the authorities concerned. The fourth respondent has also sent a reply based on the report of the second respondent that the cause of death of her husband is pending laboratory analysis.



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4.Suspecting some foul play on the death of her husband, the petitioner filed this writ petition. The petitioner has also made certain grievance as against her husband's employer, one T.S.A.Kuttiappan Chettiyar & Brothers, having their office at Lot 11, Jalan Utara 1, Kawasan Perusahaan, Mergong F/2, 05150, Alor Setar, Kedah, Malaysia.

5.Though this writ petition is pending from the year 2016, none of the respondents have filed any counter affidavit till date. Upon the direction of this Court, the learned Central Government Standing Counsel appearing for the first respondent has produced the copy of the postmortem report dated 23.06.2016 and the report of the Royal Police of Malaysia dated 29.12.2015.

6.It appears that on 29.12.2015 the employer of the petitioner's husband, namely, Karthikeyan Chetty S/o Navaneethan, has lodged a report before the Royal Police of Malaysia that his worker by name Arulsamy Lazar bearing Passport No.F8471783, Indian National, aged 43 years, has passed away while on his way to Kedah Medical Centre, Alor Setar Kedah.



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7.The Police has also made a request for postmortem on the body of Arulsamy Lazar on 29.12.2015 and the Department of Forensic Medicine, Hospital Sultanah Bahiyah, Malaysia, has conducted the postmortem and has issued a certificate dated 23.06.2016. As per the postmortem certificate, the cause of death is “CORONARY ATHEROSCLEROSIS”. Perusal of the postmortem certificate reveals that there is no symptom of any head injury or any injury on the body.

8.Since the postmortem certificate was not produced to the petitioner, she filed the present writ petition. Coronary Atherosclerosis is caused by plaque, made up of cholesterol deposits, buildup in the wall of arteries that supply blood to the heart. In the absence of any injury or any other suspicious findings in the postmortem certificate, this Court is not inclined to pass any order for compensation in this writ petition.

9.However, the fact remains that this petitioner has made a representation to the first respondent on 22.02.2016 and the Under Secretary to the Government has also made a communication based on the petitioner's representation on 07.03.2016. The postmortem certificate appears to be available from 23.06.2016.



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The petitioner has filed this writ petition on 28.04.2016 and the same is still pending. Had the respondents followed up the issue with the High Commission of Malaysia, the postmortem certificate would have been produced at the earliest in the year 2016 itself. The petitioner is waiting for justice from the year 2016 and even now, the respondents have not taken any steps to file any report before this Court. This Court hopes and trusts that the respondents change their attitude in future.

10.The petitioner has also made certain allegations as against the employer of her husband that they have not paid her husband's salary properly and that the insurance amount has not been disbursed. This Court expects the first respondent to follow it up with the High Commission of Malaysia, in the manner known to law and to ensure that the grievance of the petitioner is redressed.

Accordingly, this writ petition is disposed of. No costs.

Internet : Yes  
Index : Yes / No  
NCC : Yes / No  
gk

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**B.PUGALENDHI, J.**

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