



W.P.(MD)No.12740 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.07.2024

CORAM:

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

**W.P.(MD)No.12740 of 2024**

M.Baskaran

... Petitioner

versus

1. The Commissioner,  
Commissioner of Rehabilitation and  
Welfare of Non-Resident Tamils,  
4<sup>th</sup> Floor, Ezhilagam Annex Building,  
Chepauk,  
Chennai – 600 005.
2. The District Collector,  
Kanniyakumari District,  
Kanniyakumari.
3. The Superintendent of Police,  
Kanniyakumari,  
Kanniyakumari District.
4. M/s.Dolphin Manpower Recruitment Agencies,  
Rep. by its Director,  
Siva Selvakumar,  
No.37, Cape Road,  
Opposite to Kamaraj Building,



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Anna Bus Stand,  
Nagercoil,  
Kanyakumari District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 3<sup>rd</sup> respondent to implement the order passed by the 1<sup>st</sup> respondent dated 28.03.2024 within the time stipulated by this Court.

For Petitioner : Mr.C.Prithiviraj  
For R1 to R3 : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

### **ORDER**

The petitioner has arranged a job for his son Sivakumar in Bahrain in the year 2023 through the 4<sup>th</sup> respondent by giving a sum of Rs.2,20,000/-. Now, he has lodged a complaint before the first respondent/the Commissioner of Rehabilitation and Welfare of Non-Resident Tamils, Chennai, that the 4<sup>th</sup> respondent, without having



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a valid licence, has sent his son to Bahrain, by creating a duplicate agreement with fake signatures and based on that agreement, his son was forced to work for 12 hours daily. It is also stated that the Employer locked his son in a room, without giving food and also detained his passport. The first respondent/the Commissioner of Rehabilitation and Welfare of Non-Resident Tamils, has forwarded the said complaint to the 3<sup>rd</sup> respondent/the Superintendent of Police, Kanyakumari District, who in turn forwarded the same to the District Crime Branch, Nagercoil, for enquiry. Since there was no action on the said complaint, the petitioner has filed this writ petition for a Mandamus, directing the 3<sup>rd</sup> respondent to take action against the 4<sup>th</sup> respondent based on the letter of the Commissioner of Re-habilitation and Welfare of Non-Resident Tamils in letter No.G1/2091/2024 dated 28.03.2024.

2. The learned Additional Public Prosecutor submits that on the complaint of the petitioner forwarded by the Superintendent of Police,



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Kanyakumari District, the District Crime Branch, Nagercoil, have conducted an enquiry. During the enquiry, it is found that the 4<sup>th</sup> respondent has obtained a valid licence issued by the Ministry of External Affairs under Section 11 of Emigration Act. Since the petitioner's son has not performed the work properly, he was not assigned any work and finally, he returned to India.

3. The petitioner has lodged a complaint before the first respondent that the 4<sup>th</sup> respondent, without having a valid licence, has sent his son to Bahrain by creating a duplicate agreement with fake signatures. The first respondent, by his proceedings dated 28.03.2024, has forwarded the complaint of the petitioner to the Superintendent of Police, Kanyakumari. The Superintendent of Police has forwarded the same to the District Crime Branch, Nagercoil for enquiry. During the enquiry, it is found that the 4<sup>th</sup> respondent agency is having a valid licence issued by the Ministry of External Affairs under Section 11 of Emigration Act.



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**WEB COPY** 4. Therefore, this Court is not inclined to entertain this writ petition and accordingly, this writ petition is dismissed. If the petitioner is having any grievance, he shall workout his remedy by filing a civil suit for recovery of money against the 4<sup>th</sup> respondent. No costs.

**11.07.2024**

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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2. The District Collector,  
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Kanniyakumari.
3. The Superintendent of Police,  
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**B.PUGALENDHI, J.**

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