



W.P.(MD) No.2420 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.2420 of 2018

M.Meenakshi

... Petitioner

Vs.

- 1.The Principal Secretary,
Ministry of External Affairs,
Union of India, E - Block,
Central Secretariat,
New Delhi – 110 001.
- 2.The Protector General of Emigrants,
Ministry of Overseas Indian Affairs,
Union of India,
9th Floor, Akbar Bhavan,
Chanakiyapuri,
New Delhi – 110 021.
- 3.The Joint Secretary,
The Ministry of Home Affairs,
North Block, Cabinet Secretariat,
Raisina Hill, New Delhi – 110 001.
- 4.The Principal Secretary / Commissioner,
Commissionerate of Rehabilitation and
Welfare of Non-Resident Tamils,
Chepauk, Chennai – 600 005.
- 5.The First Secretary (CS) / Counsellor,
(Counsellor and Chief Welfare Officer),



W.P.(MD) No.2420 of 2018

High Commission of India in
Malaysia, Kuala Lumpur.

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6.The Home Secretary,
Home Department,
State of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

7.The District Collector,
O/o. the District Collector,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 26.08.2017 sent on 31.08.2017 and take appropriate action in accordance with law within a time stipulated by this Court.

For Petitioner : Mr.S.M.A.Jinnah

For R1 to R3 & R5 : Mr.S.Jeyasingh
Central Government Standing Counsel

For R4, R6 & R7 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

The petitioner is an aged mother of deceased one M.Senthil who tragically died in a gun fire in Malaysia. He was working as a flower vendor in Malaysia.



W.P.(MD) No.2420 of 2018

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2. The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 26.08.2017 for compensation for the death of her son and to take appropriate action in accordance with law within a time stipulated by this Court.

3. Opposing the prayer, the learned Central Government Standing Counsel for the first to third and fifth respondents as also the learned Special Government Pleader for the fourth, sixth and seventh respondents would submit that the petitioner's son was married to one Mrs.L.Thachayani, a Malaysian Citizen and she has received the compensation under the Insurance Policy that was available.

4. The learned Central Government Standing Counsel for the first to third and fifth respondents has also filed a copy of the E-mail message received from Ministry of External Affairs (CPV) Division, New Delhi, wherein, the Ministry of External Affairs (CPV) Division, New Delhi based on the report of the High Commission of India in Kuala Lumpur, Malaysia stated that the petitioner was given with some amount by the



W.P.(MD) No.2420 of 2018

petitioner's daughter-in-law Mrs.L.Thachayani directly from the amount that was received under the personal insurance purchased by deceased M.Senthil.

5. As such, there is no provision under which claim for compensation can be entertained. In absence of statutory rights to receive compensation for the death arising out side the country, this Writ Petition cannot be entertained. Therefore, this Writ Petition is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to approach appropriate authority, if any Government Order is available dealing with the similar situation. No costs.

04.04.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

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Copy To:
1.The Principal Secretary,
Ministry of External Affairs,



W.P.(MD) No.2420 of 2018

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W.P.(MD) No.2420 of 2018

C.SARAVANAN, J.

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W.P.(MD) No.2420 of 2018

04.04.2024