



H.C.P(MD)No.1391 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

H.C.P.(MD) No.1391 of 2023

S.Gurumurugan

... Petitioner / son of the detenu

Vs.

1. The Secretary to Government,
Ministry of Home Affairs,
North Block, New Delhi.

2. The Secretary to Government,
Ministry of External Affairs,
South Block, New Delhi.

3. The Indian High Commissioner,
The Embassy of India,
Saudi Arabia,
C/o.The Diplomatic Batch Section,
Ministry of External Affairs,
South Block, New Delhi.



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4. The Director,
Commissionerate of Rehabilitation and Welfare of Non-Resident Tamils,
4th Floor, Ezhilagam Annex Building,
Chepauk,
Chennai - 5.

5. The Secretary,
Home Department,
Secretariat, St. George Fort,
Chennai.

6. The District Collector,
Ramanathapuram District,
Ramanathapuram.

7. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the respondents to produce the body or person of the petitioner's father namely, Solaiappan, aged 58 years, S/o.Gurusamy having passport No.G.2134274 before this Court and set him at liberty.



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For Petitioner : Mr..SP.Vijaynivas

For Respondents : Mr.K.Govindarajan – for R1 to R3
Deputy Solicitor General of India
: Mr.T.Senthil Kumar – for R4 to R7
Additional Public Prosecutor

ORDER

The Habeas Corpus Petition has been filed by the son of Solaiappan, complaining that his father, Solaiappan, having passport No.G.2134274 had been missing from the year 2010 when he went over to the Gulf Region.

2. It is stated that he was working in a Company called Aayit at Kingdom of Saudi Arabia. The petitioner had been making several representations through the Embassy of India at Riyadh, but unfortunately, even though strenuous steps had been taken, the father of the petitioner could not be located. This Habeas Corpus Petition had therefore been filed seeking to produce the body of the petitioner.

3. The learned Deputy Solicitor General had forwarded a set of papers containing the reports from the Embassy of India at Riyadh and



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they date from 04.11.2012 till 22.07.2024.

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4. In the report, dated 22.07.2024 in No.IND 925/2024, the Ministry of Foreign Affairs, Kingdom of Saudi Arabia at Riyadh had stated as follows:

“The Embassy of India in Riyadh presents its compliments to the Ministry of Foreign Affairs, Kingdom of Saudi Arabia and has the honour to refer to the esteemed Ministry's Note Verbale No.001-45-174593 dated 21/12/2023G (08/06/1445H) and Embassy's Note Verbale No.IND-653 dated 27/05/2024 regarding the following Indian national who is missing in Saudi Arabia.

Name	Mr. Gurusamy Solaiyappan
M/F	Male
Passport	G2134274
Tel. No.	0545062327
Employe Name	Abdul Aziz Ayedh Ataq Al Rashidi
Tel. No.	0503176730
Place	Hail

The esteemed Ministry has replied that the A'arif Police Station had conducted large scale investigation to trace out the whereabouts of Mr. Gurusamy Solaiyappan but no significant information has been received so far. It



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was also informed that the Governorate of Hail region had intimated that the investigations will continue and any information received will be updated. Further, the Ministry reply email dated 21/07/2024 had mentioned that no circulars and criminal restrictions has been issued against him.

The family Mr. Gurusamy had again contacted the Embassy and informed that his whereabouts are still unknown. They informed that there is no communication from him and his whereabouts are not known since 02/04/2010. As per records. Mr. Gurusamy Solaiyappan had travelled to KSA on 09/06/2008. The family had reported that he has been forced by the employer to work as shepherd in a remote place. It has been more than 13 years now and still his whereabouts are not known. His family members in India are extremely worried about his welfare.

The esteemed Ministry is requested to direct the competent authorities to find the whereabouts of Mr. Gurusamy Solaiyappan and repatriate him to India at the earliest. The esteemed Ministry's help in this matter will be highly appreciated.

The Embassy of India in Riyadh avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Kingdom of Saudi Arabia the assurances of its highest consideration”



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5. It is thus seen that all earnest efforts had been and are being taken to locate the father of the petitioner. The above report is self explanatory. It is stated that Aarif Police Station had conducted large scale investigation. It had also been stated that the Governorate of Hail region had intimated that the investigation will continue and if any information is received, such information will be updated. It had also been clarified that there are no circulars or criminal restrictions issued against the father of the petitioner.

6. It is also informed by the learned Deputy Solicitor General that the family members of the petitioner had been informed about the progress of the investigation conducted and they are also in active contact with the Embassy of India at Riyadh.

7. In view of this particular report, we would close the Habeas Corpus Petition, but however, grant liberty to the petitioner to inform the Embassy of India at Riyadh, if ever he get specific information about the whereabouts of his father, it may also be informed to anyone of the respondents.



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8. Recording as above, this Habeas Corpus Petition is closed. The respondents may continue with their efforts to locate the father of the petitioner.

(C.V.K., J.) (J.S.N.P, J.)
14.08.2024

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

RM



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8. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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C.V.KARTHIKEYAN, J.
and
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