

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(CIVIL WRIT JURISDICTION)**

WRIT PETITION (CIVIL) NO. OF 2021

IN THE MATTER OF:

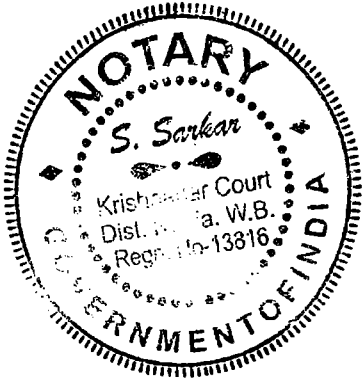
CHANDYARA BIBI SK

...PETITIONER

VERSUS

UNION OF INDIA & ANR

...RESPONDENT



PAPER BOOK

(FOR INDEX KINDLY SEE INSIDE)

ADVOCATE FOR THE PETITIONER: **SHUBHAYU ROY**

IN THE HIGH COURT OF DELHI AT NEW DELHI
(CIVIL WRIT JURISDICTION)

WRIT PETITION (CIVIL) NO. OF 2021

IN THE MATTER OF:

CHANDYARA BIBI SK

...PETITIONER

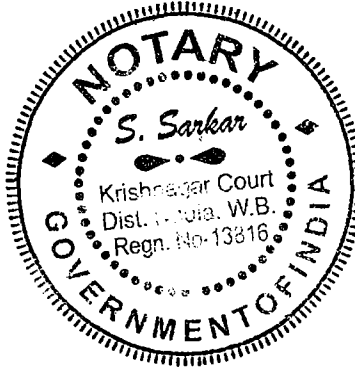
VERSUS

UNION OF INDIA & ANR

...RESPONDENTS

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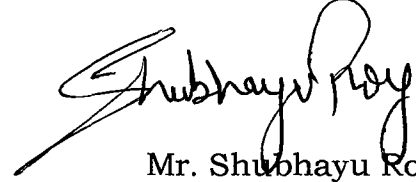
10. Vakalatnama.

11. Proof of Service Filed by:-

37

38

THROUGH



Mr. Shubhayu Roy

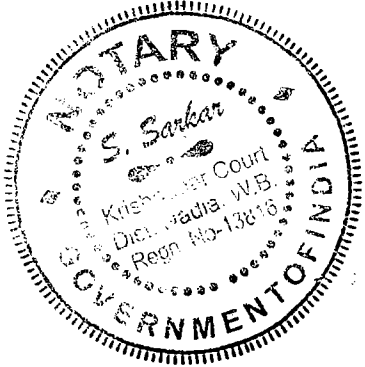
Advocate for the Petitioner

Apartment No. 111, Amar Jyoti Kunj,
Mayur Vihar Phase I, New Delhi 110091,
Phone: +918383855584/ + 919674164231/
+ 911143010997,

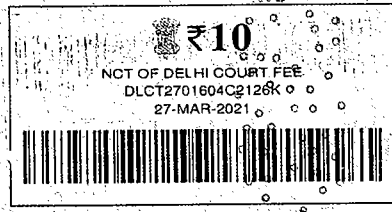
Email: shubhayuroy@gmail.com

New Delhi

Date: 19/07/2021



Court Fees



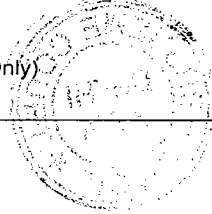
GOVERNMENT OF NCT OF DELHI e-Court Fee



DATE & TIME :	23-JUL-2021 11:05:52
NAMES OF THE ACC/ REGISTERED USER :	SHCIL
LOCATION :	SUPREME COURT OF INDIA
e-COURT RECEIPT NO :	DLCT2348G2105L181
e-COURT FEE AMOUNT :	₹ 150 (Rupees One Hundred Fifty Only)



DLCT2348G2105L181



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1

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(CIVIL WRIT JURISDICTION)**

WRIT PETITION (CIVIL) NO. OF 2021

IN THE MATTER OF:

CHANDYARA BIBI SK

...PETITIONER

VERSUS

UNION OF INDIA & ANR

...RESPONDENTS

URGENT APPLICATION

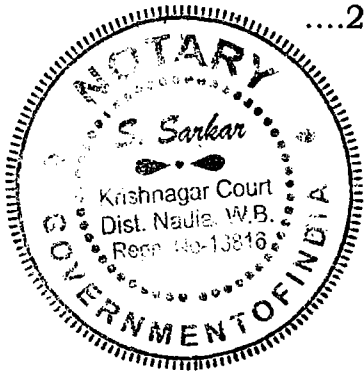
To,
The Registrar,
High Court of Delhi at New Delhi.

Sir,

Kindly treat the accompanying Writ Petition as urgent under the Delhi High Court Rules because due to illegal arbitrary acts of the Respondents the Petitioner is unable to get legal heir certificate. You are requested to kindly list the matter on2021.

चण्डीयारा बिबि स्केर

THROUGH



PETITIONER

Shubhayu Roy

Mr. Shubhayu Roy
Advocate for the Petitioner

Apartment No. 111, Amar Jyoti Kunj,
Mayur Vihar Phase I, New Delhi 110091,
Phone: +918383855584/ + 919674164231/
+ 911143010997,

Email: shubhayuroy@gmail.com

New Delhi
Date: 19/04/2021

2

IN THE HIGH COURT OF DELHI AT NEW DELHI
(CIVIL WRIT JURISDICTION)

WRIT PETITION (CIVIL) NO. OF 2021

IN THE MATTER OF:

CHANDYARA BIBI SK

...PETITIONER

VERSUS

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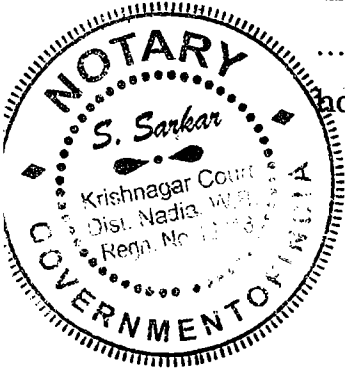
...RESPONDENTS

NOTICE OF MOTION

To,

Sir,

The enclosed Writ Petition in the aforesaid matter is being filed on behalf of the Petitioner and is likely to be listed on2021 or any date, thereafter as and when business of the Hon'ble Court permits so to do. Please take notice accordingly.



THROUGH

शुभयुक्त प्रतिकार

PETITIONER

Shubhayu Roy
Mr. Shubhayu Roy
Advocate for the Petitioner

Apartment No. 111, Amar Jyoti Kunj,
Mayur Vihar Phase I, New Delhi 110091,
Phone: +918383855584/ + 919674164231/
+ 911143010997,
Email: shubhayuroy@gmail.com

New Delhi
Date: 19/07/2021

3

IN THE HIGH COURT OF DELHI AT NEW DELHI
(CIVIL WRIT JURISDICTION)

WRIT PETITION (CIVIL) NO. OF 2021

IN THE MATTER OF:

CHANDYARA BIBI SK

...PETITIONER

VERSUS

UNION OF INDIA & ANR

...RESPONDENT

MEMO OF PARTIES

Chandyara Bibi Sk

At – Nischintapur, Swaruppur

Nischintapur, District Nadia,

West Bengal 741160

... Petitioner

VERSUS

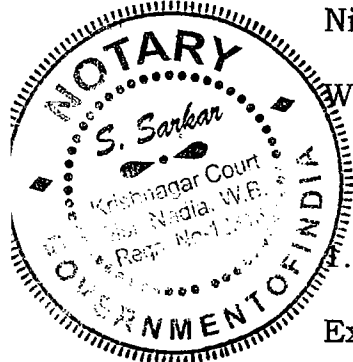
1. UNION OF INDIA service through the Secretary, Ministry of External Affairs, E Block, Central Secretariat, New Delhi- 110 001;

2. Embassy of Kingdom of Saudi Arabia, EP 30, Chandragupta Marg, Chanakyapuri, New Delhi 110021; ... Respondents

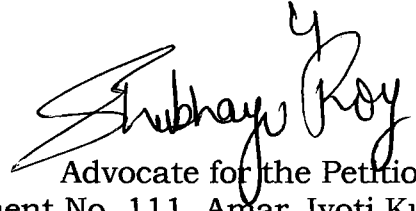
THROUGH

PETITIONER

Mr. Shubhayu Roy

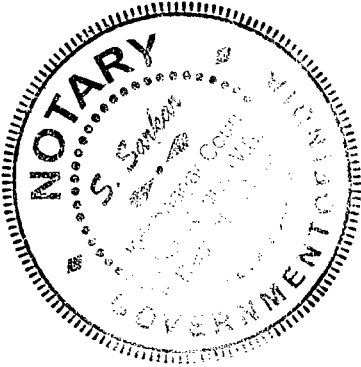


শুভায়ু রায়
Mr. Shubhayu Roy



Advocate for the Petitioner
Apartment No. 111, Amar Jyoti Kunj,
Mayur Vihar Phase I, New Delhi 110091,
Phone: +918383855584/ + 919674164231/
+ 911143010997,
Email: shubhayuroy@gmail.com

New Delhi
Date: 19/07/2021

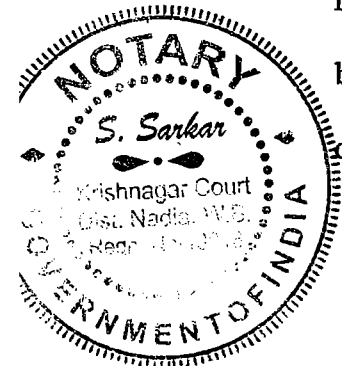


5

SYNOPSIS

The present case is a shocking instance of irresponsible State inaction which has put the fundamental rights guaranteed under Articles 19, 21 and Constitutional right 300 A of the Constitution of India of helpless citizens, at jeopardy that too in these hard times of pandemic. The husband of the Petitioner went to Jedah, Riyadh on labour visa and went on missing since April, 2020. From the colleagues of the husband of the Petitioner it came to her knowledge that her husband is no more. The Petitioner made demand justice on 02.07.2020 in turn whereof vide email dt. 02.08.2020, it was assured by the Respondent No. 1 that the matter is being looked into. Thereafter noting turned out.

Such irresponsible inaction on the part of the Respondent No. 1 has kept the Petitioner in dark for close to a year now. She lives in a remote village 200 Kilometers away from Kollkata and having dependent mother-in-law and two children. She is not being able to get death certificate of her husband too and in absence, is not being able to obtain legal heir certificate or do necessary formalities to access the amounts of her husband in bank accounts and assets to meet livelihood of her and dependents. This indeed infringement of fundamental rights



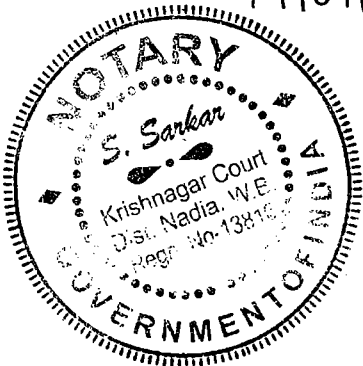
under Article 19, 21 and Constitutional right 300 A of the Constitution of India.

Hence, the present Writ Petition.

LIST OF DATES

- | | |
|-------------------|--|
| June/July
2019 | The Petitioner's husband went to Jeddah, Riyadh, Saudi Arabia on labour visa. |
| April 2020 | The husband of the Petitioner became untraceable and not reachable over the phone. |
| 02.07.2020 | The Petitioner made demand justice to the Respondent No. 1. |
| 02.08.2020 | The Respondent No. 1 informed the Petitioner that her husband has gone missing and they are taking up the matter with the local Saudi Authorities. |

19/07/2021
Hence, the present Writ Petition.



IN THE HIGH COURT OF DELHI AT NEW DELHI
CONSTITUTIONAL WRIT JURISDICTION

W.P. (C) NO. OF 2021

IN THE MATTER OF:

An application under Article 226 of the Constitution of India;

AND

IN THE MATTER OF:

Chandyara Bibi Sk

At – Nischintapur, Swaruppur

Nischintapur, District Nadia,

West Bengal 741160

... Petitioner

VERSUS

1. UNION OF INDIA service through the Secretary, Ministry of External Affairs, E Block, Central Secretariat, New Delhi- 110 001;

2. Embassy of Kingdom of Saudi Arabia, EP 30, Chandragupta Marg, Chanakyapuri, New Delhi 110021; ... Respondents

An application under Article 226 of the Constitution of India;

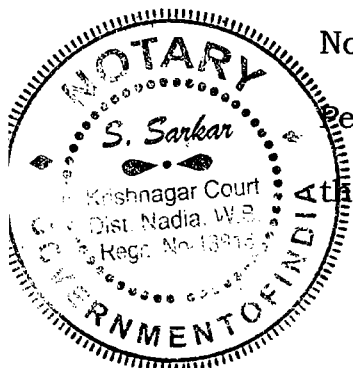
TO,
HON'BLE THE CHIEF JUSTICE OF DELHI
HIGH COURT AND HIS COMPANION
JUSTICES OF THE HIGH COURT OF DELHI
AT NEW DELHI.

The humble petition of the
Petitioner above named

MOST RESPECTFULLY SHEWETH:

1. The Petitioner is permanent resident of the address given in the cause title. The Respondents are having permanent offices at the addresses mentioned in the cause title from where they are functioning and operating as well as carrying out their regular business and working for gain. All these offices fall within the territorial jurisdiction of this hon'ble Court. The Respondent No. 2 is a proper party and has been added in the array of parties so that actual information can come before this hon'ble Court which is required for proper adjudication of the issues involved in the present Writ Petition.

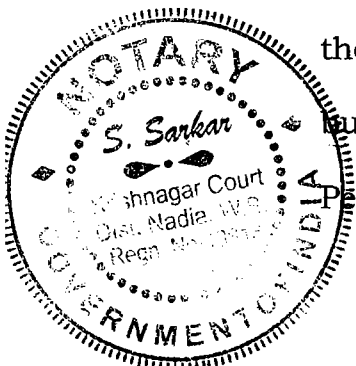
2. That the Petitioner's husband Md. Mahabat Ali Shaikh @ Makbat Sk went to Jeddah, Riyadh, Saudi Arabia on labour visa in June/July 2019. The details of the Petitioner's husband are -
Name: - Md. Mahabat Ali Shaikh @ Makbat Sk. Father's Name: -
Tahur Ali Shaikh, Pass Port No:- P2972417, Resident Identity
No:- 2293414120, Iqama:- 9277255. Around April, 2020 onwards
Petitioner's husband became untraceable and not reachable over
the phone. On inquiry, the Petitioner came to know from the



colleagues of her husband that he has died unnaturally and his body has been kept for burial. The Petitioner thereafter through his Ld. Advocate send an email on 20.07.2020, in turn where of received email from the Consulate General India, Indian Embassy Riyadh, Saudi Arabia. Noteworthy, on an email dt. 02.08.2020 the Indian Embassy informed that her husband has gone missing and they are looking into the matter with the Saudi Authorities. However, till date the Petitioner neither has received the death certificate nor has received any information about her missing husband from the Indian Embassy.

Print out of the email dt. 02.07.2020 is annexed herewith and marked as **Annexure P 1**; c is annexed herewith and marked as **Annexure P 2**;

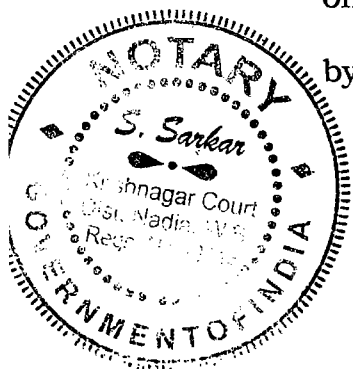
3. That the non-action of the Respondents has caused great mental pain, sorrow and agony for the Petitioner. The Petitioner is not much educated and having two sons one of whom is minor and her widowed mother-in-law. The Petitioner lives in a remote village 200 Kilometers away from the Kolkata. The non-action of the Respondents everyday infringing the right to life, bread and butter of the Petitioner. As her husband is not traceable the Petitioner is not getting any money which her husband used to



send from his salary. Further, as the status or information relating to death or death certificate is not available. The Petitioner is not in a position to obtain legal heir certificate. In absence of Legal Heir Certificate the Petitioner is not in a position to utilize amounts in bank accounts or other assets. Therefore, the non-action of the Respondents being state authorities having far reaching consequences leading to infringement of right to life under Article 21 of the Constitution of India, which the Petitioner is suffering every day.

4. That as the Petitioner is in complete dark due to noncooperation and non-action by the Respondents, she started to look for legal option but meanwhile in March, 2020 nationwide lockdown was declared due to Covid 19 pandemic. The impact of lock down is still in force in 2021 too. Due to this lockdown the Petitioner could not avail legal remedy immediately and it took some time for her and her lawyer to figure out legal remedies, after what this Writ Petition is being filed now.

4. That the non-action on the part of the Respondents are not only improper but also lacks application of mind. Being aggrieved by and dissatisfied with the acts and actions on the part of the

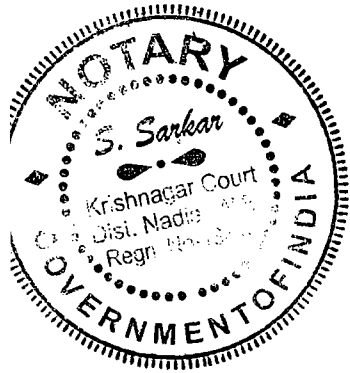


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respondent, the petitioner begs to move the instant Writ Petition before this Hon'ble Court on the following amongst other:

GROUND S

- I. BECAUSE the non-action on the part of the Respondent authorities is hitting the Petitioner's right to life, bread and butter and her dependent children, mother-in-law as in absence of death certificate the Petitioner is not being able to obtain legal heir certificate for what she cannot utilize the amounts in bank accounts and family assets.
- II. BECAUSE the non-action on the part of the Respondents are illegal and arbitrary.
- III. BECAUSE the Respondent No. 1 have acted in a manner which is against the spirit of Constitution of India, discriminatory in nature and as such is violative of the petitioner's fundamental rights guaranteed under Article 19, 21 and Constitutional right 300 A of the Constitution of India.
- IV. BECAUSE the acts and action on the part of the Respondent No. 1 is detrimental to the rights of your

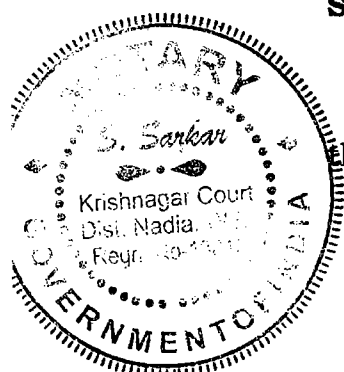


petitioner and the Respondent No. 1 have given no reasons for infringing fundamental and legal rights of the Petitioner.

5. That this Hon'ble Court has territorial jurisdiction to entertain the present writ petition and for grant of the relief prayed for in the present writ petition. Further the pleadings made herein before clearly establishes that the cause of action arose and still a continuing one within the territorial jurisdiction of this hon'ble Court. More so, the cause of action exclusively arose due to illegal non action of the Respondent No. 1, within the territorial jurisdiction of this hon'ble Court. The Respondent No. 2 is a proper party and has been added in the array of parties so that actual information can come before this hon'ble Court which is required for proper adjudication of the issues involved in the present Writ Petition. In this regard the principles of law laid down in the judgment passed by the hon'ble Supreme Court of India and reported as (2000) 7 SCC 640 reads as follows:

Navinchandra N. Majithia v. State of Maharashtra, (2000) 7 SCC 640 : 2001 SCC (Cri) 215 at page 647:

17. From the provision in clause (2) of Article 226 it is clear that the maintainability or otherwise of the writ petition in the



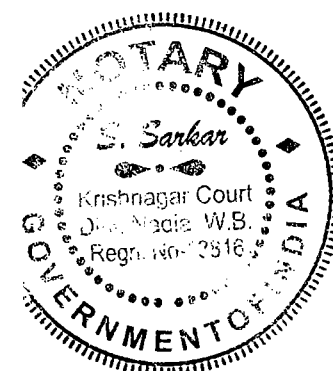
High Court depends on whether the cause of action for filing the same arose, wholly or in part, within the territorial jurisdiction of that Court.

18. In legal parlance the expression "cause of action" is generally understood to mean a situation or state of facts that entitles a party to maintain an action in a court or a tribunal; a group of operative facts giving rise to one or more bases for suing; a factual situation that entitles one person to obtain a remedy in court from another person. (Black's Law Dictionary)

19. In Stroud's Judicial Dictionary a "cause of action" is stated to be the entire set of facts that gives rise to an enforceable claim; the phrase comprises every fact, which, if traversed, the plaintiff must prove in order to obtain judgment.

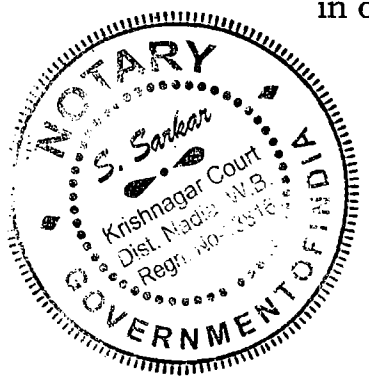
20. In "Words and Phrases" (4th Edn.) the meaning attributed to the phrase "cause of action" in common legal parlance is existence of those facts which give a party a right to judicial interference on his behalf.

37. The object of the amendment by inserting clause (2) in the article was to supersede the decision of the Supreme Court in Election Commission v. Saka Venkata Subba Rao [AIR 1953 SC 210 : 1953 SCR 1144] and to restore the view held by the High Courts in the decisions cited above. Thus the power conferred on the High Courts under Article 226 could as well be



exercised by any High Court exercising jurisdiction in relation to the territories within which “the cause of action, wholly or in part, arises” and it is no matter that the seat of the authority concerned is outside the territorial limits of the jurisdiction of that High Court. The amendment is thus aimed at widening the width of the area for reaching the writs issued by different High Courts.

38. “Cause of action” is a phenomenon well understood in legal parlance. Mohapatra, J. has well delineated the import of the said expression by referring to the celebrated lexicographies. The collocation of the words “cause of action, wholly or in part, arises” seems to have been lifted from Section 20 of the Code of Civil Procedure, which section also deals with the jurisdictional aspect of the courts. As per that section the suit could be instituted in a court within the legal limits of whose jurisdiction the “cause of action wholly or in part arises”. Judicial pronouncements have accorded almost a uniform interpretation to the said compendious expression even prior to the Fifteenth Amendment of the Constitution as to mean “the bundle of facts which would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the court”.



15

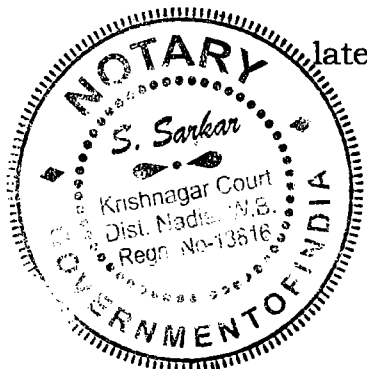
6. That due to the non-action on the part of the Respondents the Petitioner is suffering every day and there is grave urgency in the matter.

7. That the petitioner submits that in the facts and circumstances of the case, there is no other equally efficacious adequate alternative remedy other than filing this writ petition under Article 226 of the Constitution of India and the remedy sought for is just and adequate, if granted.

8. That the Petitioner has not filed any other petition with regard to the cause of action involved in this writ petition before the Hon'ble Supreme Court of India or this Hon'ble Court or any other Court.

9. The petitioner states that any further demand of justice would be an empty formality and considering the urgency of the matter the petitioner may be allowed to move this writ petition ex-parte. It is submitted that the prayers made herein are for the ends of justice and unless allowed the same shall cause incorrigible loss and injury which might not be capable of remedied or restored

later on.



10. The Petition is made bonafide and for the ends of justice.

11. It is most Respectfully Prayed that.

PRAYER:

- (A) A Writ in the nature of Mandamus commanding the Respondent No. 1 to disclose the actual information and status of the Petitioner's husband;
- (B) A Writ in the nature of Mandamus directing the Respondents to issue death certificate of the Petitioner's husband in alternative, in case it is found that the husband of the Petitioner is no more;
- (C) A Writ in the nature of Mandamus directing the Respondents to shift back the dead body of the Petitioner's husband in India if available;
- (D) A Writ in the nature of Certiorari directing the Respondents to produce records of the case before this hon'ble Court;
- (E) Any other or further Order or Orders or direction or directions as Your Lordships may deem fit and proper.

AND FOR THIS ACT OF KINDNESS, YOUR PETITIONER, AS IN DUTY BOUND, SHALL EVER PRAY.

17

शुभयु रोय

THROUGH

PETITIONER

Shubhayu Roy

Mr. Shubhayu Roy

Advocate for the Petitioner

Apartment No. 111, Amar Jyoti Kunj,

Mayur Vihar Phase I, New Delhi 110091,

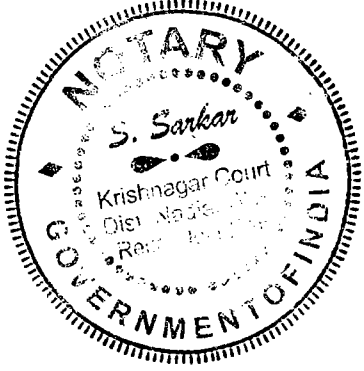
Phone: +918383855584/ + 919674164231/

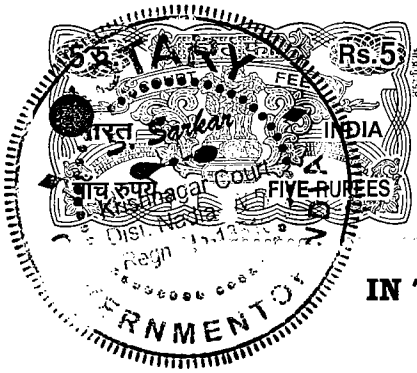
+ 911143010997,

Email: shubhayuroy@gmail.com

New Delhi

Date: 19/07/2021





IN THE HIGH COURT OF DELHI AT NEW DELHI
(CIVIL WRIT JURISDICTION)

WRIT PETITION (CIVIL) NO. OF 2021

IN THE MATTER OF:

CHANDYARA BIBI SK

...PETITIONER

VERSUS

UNION OF INDIA & ANR

...RESPONDENT

AFFIDAVIT

I, Chandyara Bibi Sk, Wife of – Md. Mahabat Ali Shaikh @ Makbat Sk, aged about 36 years, R/o- Nischintapur, Swaruppur, Nischintapur, District Nadia, West Bengal 741160, do hereby solemnly affirm and state as under:-

1. That I am the Petitioner in the above matter and I am well conversant with the facts of the present case and as such competent to swear and affirm this affidavit.
2. That I have read and understood the contents of the accompanying writ petition and state that the same has been drafted under my instructions.
3. That the contents and the averments in paragraphs 1, 3, 6, 7 are true to the best of my knowledge and those made in paragraphs 2, 4, 8, 9, 10 are within my information derived from the records which I believe to be true and the rest are my respectful submissions before this hon'ble Court.
4. That all the annexures annexed to the writ petition are true copies of their respective originals.

শ্রীমানমোহনচন্দ্র

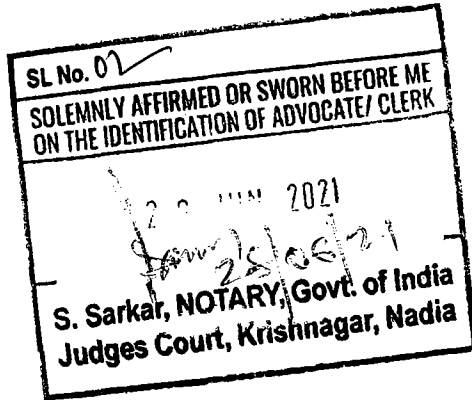
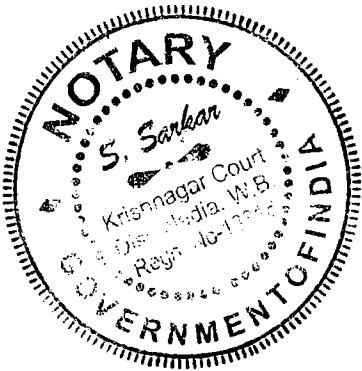
DEPONENT

VERIFICATION:

I, the deponent above named do hereby verify that the contents of my above affidavit are true and correct. No part of it is false and nothing material has been concealed therefrom.

Verified at Krishnagar on this the 28th day of June 2021.

শ্রীমানমোহনচন্দ্র
DEPONENT Signature is taken in my presence
Identified by me -
Minmay Saha
Advocate
WB/1374/2004





Shubhayu Roy <shubhayuroy@gmail.com>

Fw: REQUEST LETTER

1 message

mrinmay datta <mrinmay_datta@rediffmail.com>
To: shubhayuroy <shubhayuroy@gmail.com>

Annexure P-1
20

9 April 2021 at 13:09

Sent from RediffmailNG on Android

From: "mrinmay datta" <mrinmay_datta@rediffmail.com>
Sent: Thu, 2 Jul 2020 10:25:40 GMT+0530
To: "cg.jeddah@mea.gov.in" <cg.jeddah@mea.gov.in>
Subject: REQUEST LETTER

Respected Sir,

Under instructions from my client and on behalf of my client namely Chandyara Bibi Sk., wife of Md. Mahabat Ali Shaikh @ Makbat Sk. Of Village- Swaruppur, Police Station- Tehatta, District- Nadia, West Bengal, India, I am sending this mail to you informing that her husband namely Md. Mahabat Ali Shaikh @ Makbat Sk. went to Jeddah with labour visa, but since last four months there is no communication between them.

It has been heard from his colleagues that her husband died unnaturally and his body is preserved in a morgue and will be buried shortly, but no such proof is there with my client.

All the particulars are given under for your kind perusal.

My client is eager to get back her husband either dead or alive as she is suffering from bad health condition and she has a minor child.

Please do needful to get information about the Md. Mahabat Ali Shaikh @ Makbat Sk.


Please the matter as urgent.

Thanking you.

Regards
Mrinmay Datta
Advocate
Mob: +919933044330

Particulars

Name:- Md. Mahabat Ali Shaikh @ Makbat Sk.
Father's Name:- Tahur Ali Shaikh
Pass Port No:- P2972417
Resident Identity No:- 2293414120
Iqama:- 9277255
Family Contact No:- +916295638796


True Copy



Shubhayu Roy <shubhayuroy@gmail.com>

Fw: Advocate's letter about a missing Indian in Jeddah

1 message

Annexure P-2

mrinmay datta <mrinmay_datta@rediffmail.com>
To: shubhayuroy <shubhayuroy@gmail.com>

30 April 2021 at 13:21

21

Sent from RediffmailNG on Android

From: Sachindra Nath Thakur <vccw.jeddah@mea.gov.in>
Sent: Sun, 2 Aug 2020 17:06:44 GMT+0530
To: mrinmay_datta@rediffmail.com
Subject: Re: Advocate's letter about a missing Indian in Jeddah

7/14/2021

Gmail - Fw: Advocate's letter about a missing Indian in Jeddah

Sir,



22

23

Please refer to your trailing e-mail message regarding whereabouts of Shri Md. Mahabat Ali Shaikh (Passport No.P2972417), who was reported missing from Jeddah since last four months.

2. We have taken up the matter with local Saudi authorities but their reply is still awaited.
3. We will update you whenever we receive any communication from local authorities.

24

Regards,

Shahabuddin Khan,
Vice Consul (CW)
Consulate General of India,
JEDDAH.

CONFIDENTIALITY: The contents of this email and any attachments are confidential to the intended recipient(s). Any unauthorized dissemination, distribution, copying or use of this communication without prior permission of the addressee is strictly prohibited. If this email is received in error, please do not disclose the contents to anyone, but notify the sender by return email and delete this email (and any attachments) from your system immediately While the Indian Consulate Jeddah has taken every reasonable precaution to minimize the risk of computer viruses, we cannot accept liability for any damage, which you sustain as a result of software viruses. You should carry out your own virus checks before opening any attachment.

From: "Sanjay Kumar Sharma" <vclab.jeddah@mea.gov.in>
To: "Sachindra Nath Thakur" <vccw.jeddah@mea.gov.in>
Sent: Saturday, July 25, 2020 4:43:25 PM
Subject: Fwd: Advocate's letter about a missing Indian in Jeddah

Please see.

Regards,

Sachindra Nath Thakur,
Vice Consul (Labour)
Consulate General of India,
JEDDAH.

CONFIDENTIALITY: The contents of this email and any attachments are confidential to the intended recipient(s). Any unauthorized dissemination, distribution, copying or use of this communication without prior permission of the addressee is strictly prohibited. If this email is received in error, please do not disclose the contents to anyone, but notify the sender by return email and delete this email (and any attachments) from your system immediately While the Indian Consulate Jeddah has taken every reasonable precaution to minimize the risk of computer viruses, we cannot accept liability for any damage, which you sustain as a result of software viruses. You should carry out your own virus checks before opening any attachment.

From: "M Alaem" <labour.riyadh@mea.gov.in>
To: "Sanjay Kumar Sharma" <vclab.jeddah@mea.gov.in>
Cc: "mrinmay datta" <mrinmay_datta@rediffmail.com>
Sent: Thursday, July 23, 2020 12:02:10 PM
Subject: Fwd: Advocate's letter about a missing Indian in Jeddah

Consulate General of India in Jeddah may like to see the trailing email please.

Regards,

Community Welfare Wing
Embassy of India, Riyadh

From: "Counsellor (CW), EOI, Riyadh" <cw.riyadh@mea.gov.in>
To: "M Alaem" <labour.riyadh@mea.gov.in>
Sent: Wednesday, July 22, 2020 10:18:38 AM
Subject: Fwd: Advocate's letter about a missing Indian in Jeddah

With Best Regards,



25

{Community Welfare Wing},

Embassy of India, Riyadh (Saudi Arabia),

B-1, Diplomatic Quarter, PB No.94387, Riyadh-11693,

Tel.00-966-11-4884144/Extn.102; Fax: 4810742/ 4884750, www.indianembassy.org.sa

24x7 Helpline: 8002471234 (Toll Free); Mob.+966-54-2126748; Tel. 00966-11-4884697 (If calling from India)

CONFIDENTIALITY:The contents of this email and any attachments are confidential to the intended recipient(s). Any unauthorized dissemination, distribution, copying or use of this communication without prior permission of the addressee is strictly prohibited. If this email is received in error, please do not disclose the contents to anyone, but notify the sender by return email and delete this email (and any attachments) from your system immediately While the Indian Embassy Riyadh has taken every reasonable precaution to minimize the risk of computer viruses, we cannot accept liability for any damage, which you sustain as a result of software viruses. You should carry out your own virus checks before opening any attachment.

From: "mrinmay datta" <mrinmay_datta@rediffmail.com>
To: "Counsellor (CW), EOI, Riyadh" <cw.riyadh@mea.gov.in>
Sent: Tuesday, July 21, 2020 8:50:21 PM
Subject: Advocate's letter about a missing Indian in Jeddah

Respected Sir,

Under instructions from my client and on behalf of my client namely Chandyara Bibi Sk., wife of Md. Mahabat Ali Shaikh @ Makbat Sk. Of Village- Swaruppur, Police Station- Tehatta, District- Nadia, West Bengal, India, I am sending this mail to you informing that her husband namely Md. Mahabat Ali Shaikh @ Makbat Sk. went to Jeddah with labour visa, but since last four months there is no communication between them and/or he is missing.

It has been heard from his colleagues that her husband died unnaturally and his body is preserved in a morgue and will be buried shortly, but no such proof is there with my client.

All the particulars is given under for your kind perusal.

My client is eager to get back her husband either dead or alive as she is suffering from bad health condition and she has a minor child.

Please do needful to get information about the Md. Mahabat Ali Shaikh @ Makbat Sk.

Please the matter as urgent.

Thanking you.

Regards
 Mrinmay Datta
 Advocate
 Mob:+919933044330

Particulars

Name:- Md. Mahabat Ali Shaikh @ Makbat Sk.

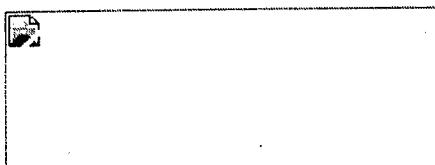
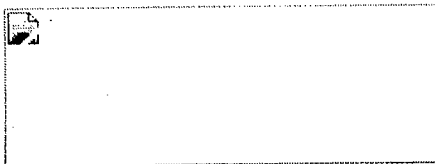
Father's Name:- Tahir Ali Shaikh

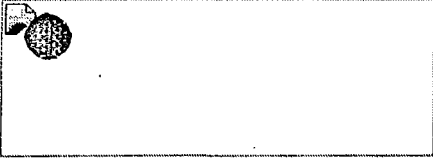
Pass Port No:- P2972417

Resident Identity No:- 2293414120

Iqama:- 9277255

Family Contact No:- +916295638796





26

Ray
Tenn Copy

27

IN THE HIGH COURT OF DELHI AT NEW DELHI
(CIVIL WRIT JURISDICTION)

C.M. No. OF 2021

IN

WRIT PETITION (CIVIL) NO. OF 2021

IN THE MATTER OF:

CHANDYARA BIBI SK

...PETITIONER

VERSUS

UNION OF INDIA & ANR

...RESPONDENT

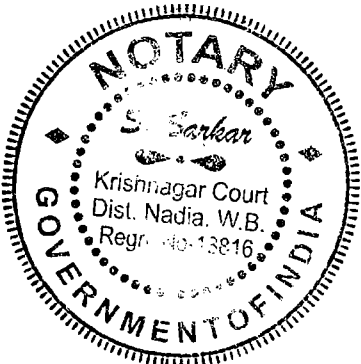
APPLICATION FOR INTERIM RELIEF

TO,
HON'BLE THE CHIEF JUSTICE OF DELHI
HIGH COURT AND HIS COMPANION
JUSTICES OF THE HIGH COURT OF DELHI
AT NEW DELHI.

The humble petition of the
Petitioner above named

MOST RESPECTFULLY SHOWETH:

1. The Petitioner is filing accompanying writ petition under Article 226 of the Constitution of India seeking, inter-alia, Writ of Mandamus and appropriate directions upon the Respondents.
2. That the Petitioner for the sake of brevity is not reiterating the facts and grounds for seeking the relief under Article 226 of the Constitution of India as the same is set out in detail in the accompanying writ petition. However, the Petitioner craves leave to refer the same at the time of hearing.

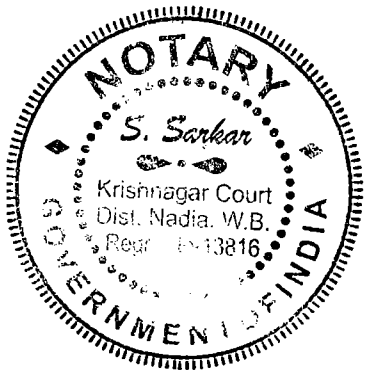


3. The petitioners is unable to get the exact information about her husband due to irresponsible non-action by the Respondent No. 1. This is everyday causing infringement of fundamental rights of the Petitioner and her dependent children and mother-in-law guaranteed under Articles 19, 21 and Constitutional right 300 A of the Constitution of India.
4. That the Petitioner has a prima facie good case and balance of convenience lies in favour of the Petitioner.
5. The petition is made bonafide for the ends of justice.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to pass the following order:-

- a) Interim Order directing the Respondent No. 1 to file status report;
- b) Interim Order directing the Respondent No. 1 directing to file action taken report in turn to the representation of the Petitioner dt. 02.07.2020;
- c) Ad-interim Orders in terms of prayers above; and
- d) Pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.



29

AND FOR THIS ACT OF KINDNESS, YOUR PETITIONER AS IN
DUTY BOUND SHALL EVER PRAY.

शुभययु रॉय

THROUGH

PETITIONER

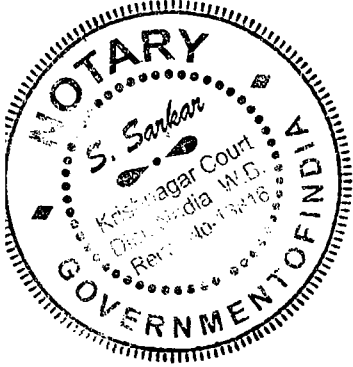
Shubhayu Roy

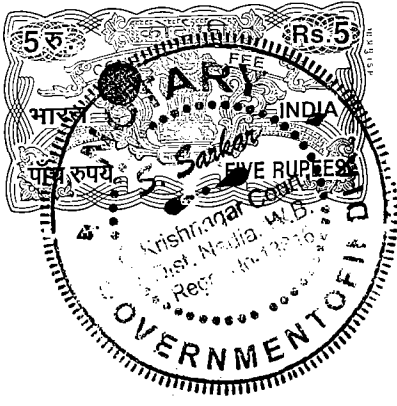
Mr. Shubhayu Roy
Advocate for the Petitioner

Apartment No. 111, Amar Jyoti Kunj,
Mayur Vihar Phase I, New Delhi 110091,
Phone: +918383855584/ + 919674164231/
+ 911143010997,

Email: shubhayuroy@gmail.com

New Delhi
Date: 19/07/2021





30

IN THE HIGH COURT OF DELHI AT NEW DELHI
(CIVIL WRIT JURISDICTION)

C.M. No. OF 2021

IN

WRIT PETITION (CIVIL) NO. OF 2021

IN THE MATTER OF:

CHANDYARA BIBI SK

...PETITIONER

VERSUS

UNION OF INDIA & ANR

...RESPONDENT

AFFIDAVIT

I, Chandyara Bibi Sk, Wife of – Md. Mahabat Ali Shaikh @ Makbat Sk, aged about 36 years, R/o- Nischintapur, Swaruppur, Nischintapur, District Nadia, West Bengal 741160, do hereby solemnly affirm and state as under:-

1. That I am the applicant in the above application and I am well conversant with the facts of the present case and as such competent to swear and affirm this affidavit.
2. That I have read and understood the contents of the accompanying application and state that the same has been drafted under my instructions.
3. That the contents and the averments in paragraphs 1, 4, 5 are true to the best of my knowledge and those made in paragraphs 2, 3 are within my information derived from the records which I believe to be true and the rest are my respectful submissions before this hon'ble Court.

4. That all the annexures annexed to the writ petition are true copies of their respective originals.

ঐশ্বর্য কান্তি (স্বয়ং)
DEPONENT

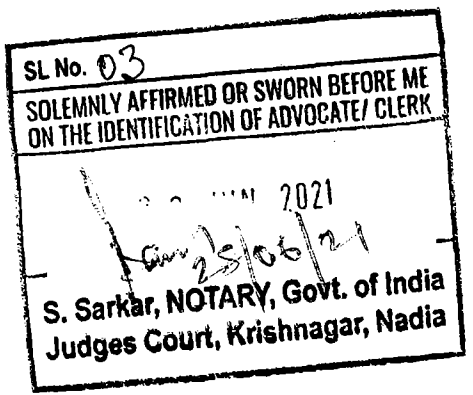
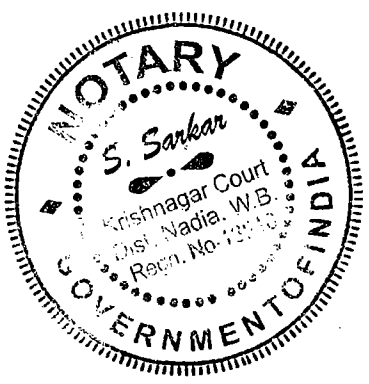
VERIFICATION:

I, the deponent above named do hereby verify that the contents of my above affidavit are true and correct. No part of it is false and nothing material has been concealed therefrom.

Verified at Krishnagar on this the 28th day of June 2021.

ঐশ্বর্য কান্তি (স্বয়ং)
DEPONENT

Signature is taken by me and identified by me
Meinmay Datta
Advocate
WB/1374/2004



32

IN THE HIGH COURT OF DELHI AT NEW DELHI
(CIVIL WRIT JURISDICTION)

C.M. No. OF 2021

IN

WRIT PETITION (CIVIL) NO. OF 2021

IN THE MATTER OF:

CHANDYARA BIBI SK

...PETITIONER

VERSUS

UNION OF INDIA & ANR

...RESPONDENT

APPLICATION PRAYING EXEMPTION FROM FILING TYPED
COPIES OF THE ANNEXURES

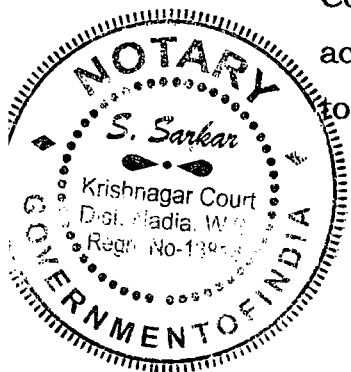
TO,
HON'BLE THE CHIEF JUSTICE OF DELHI
HIGH COURT AND HIS COMPANION
JUSTICES OF THE HIGH COURT OF DELHI
AT NEW DELHI.

The humble petition of the
Petitioner above named

MOST RESPECTFULLY SHOWETH:

1. The Petitioner is filing accompanying writ petition under Article 226 of the Constitution of India seeking, inter-alia, Writ of Mandamus and appropriate directions upon the Respondents.

2. That the Petitioner for the sake of brevity is not reiterating the facts and grounds for seeking the relief under Article 226 of the Constitution of India as the same is set out in detail in the accompanying writ petition. However, the Petitioners craves leave to refer the same at the time of hearing.



3. The petitioners could not prepare the typed copies of the documents being Annexure P 1 to Annexure P 2 due to grave urgency in the matter and inconvenience being caused due to Covid 19 pandemic. Further, all the annexures filed by the Petitioner are print outs from internet or photocopies.

4. That the Petitioner has a prima facie good case and balance of convenience lies in favour of the Petitioner.

5. The petition is made bonafide for the ends of justice.

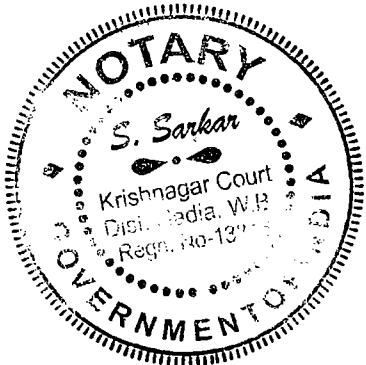
PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to pass the following order:-

- a) Exempt the Petitioner from filling types copies of the annexures being Annexure P 1 to Annexure P 2 ; and
- b) Pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, YOUR PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

THROUGH



শ্রী শুবহায় রয়

PETITIONER

Mr. Shubhayu Roy

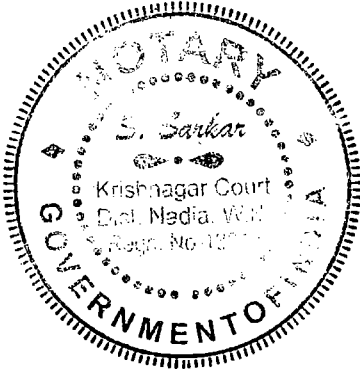
Advocate for the Petitioner

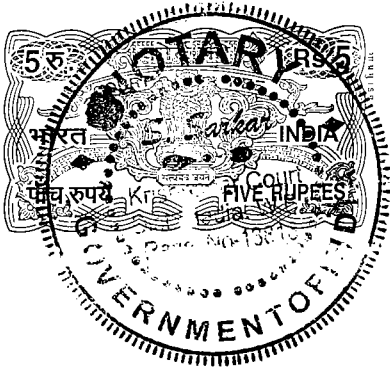
Apartment No. 111, Amar Jyoti Kunj,
Mayur Vihar Phase I, New Delhi 110091,
Phone: +918383855584/ + 919674164231/
+ 911143010997,

Email: shubhayuroy@gmail.com

34

New Delhi
Date: 19/07.2021





35

IN THE HIGH COURT OF DELHI AT NEW DELHI
(CIVIL WRIT JURISDICTION)

C.M. No. OF 2021

IN

WRIT PETITION (CIVIL) NO. OF 2021

IN THE MATTER OF:

CHANDYARA BIBI SK

...PETITIONER

VERSUS

UNION OF INDIA & ANR

...RESPONDENT

AFFIDAVIT

I, Chandyara Bibi Sk, Wife of – Md. Mahabat Ali Shaikh @ Makbat Sk, aged about 36 years, R/o- Nischintapur, Swaruppur, Nischintapur, District Nadia, West Bengal 741160, do hereby solemnly affirm and state as under:-

1. That I am the applicant in the above application and I am well conversant with the facts of the present case and as such competent to swear and affirm this affidavit.
2. That I have read and understood the contents of the accompanying application and state that the same has been drafted under my instructions.
3. That the contents and the averments in paragraphs 1, 4, 5 are true to the best of my knowledge and those made in paragraphs 3 are within my information derived from the records which I believe to be true and the rest are my respectful submissions before this hon'ble Court.
4. That all the annexures annexed to the writ petition are true copies of their respective originals.

শ্রীমান শ্রী সঞ্জয়

DEPONENT

VERIFICATION:

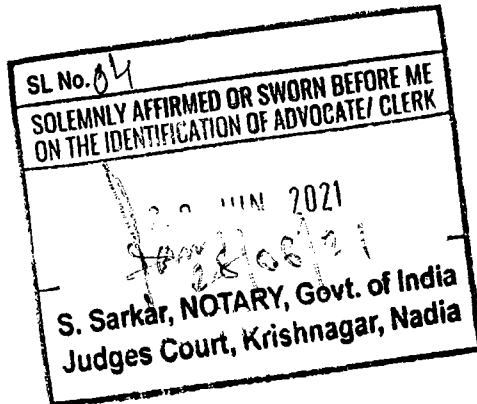
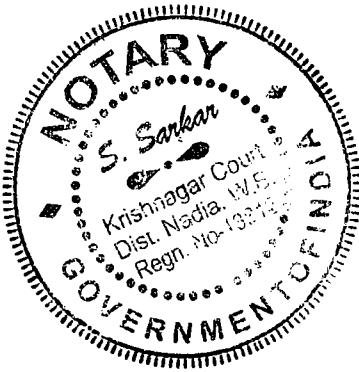
I, the deponent above named do hereby verify that the contents of my above affidavit are true and correct. No part of it is false and nothing material has been concealed therefrom.

Verified at Krishnagan on this the 28th day of June 2021.

শ্রীমান শ্রী সঞ্জয়

DEPONENT

Signed in my presence
Identified by me
Mrinmay Datta
Advocate
WB/1374/2004.



37

BEFORE THE HON'BLE HIGH COURT AT NEW DELHI

Writ Petition No. of 2021

In the matter of:
Chandyara Bibi Sk

... Petitioner

Versus

Union of India & Anr

... Respondents

VAKALATNAMA

KNOW ALL to whom these presents shall come that I/We, , **Mr. Shubhayu Roy, Advocate having office at - Apartment No. 111, Amar Jyoti Kunj, Mayur Vihar Phase I, New Delhi 11001, Phone: +918383855584/ + 919674164231/ + 911143010997, Email: shubhayuroy@gmail.com**, hereinafter called that Advocate/s to be My/our Advocate/s in the above-noted case and authorize him:

To act, appear and plead in the above noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Courts.

To sign, file, verify and present pleadings, applications, appeals, cross-objections, or Petitions for execution, review, revision, withdrawal, compromise or other petitions replies, objections affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents.

To withdraw, or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take out execution proceedings.

To deposit draw and receive moneys, cheques and grant receipts therefor and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other legal Practitioner authorizing him to exercise the powers and authorities hereby conferred upon the Advocate whenever he may think fit to do so and sign the power of attorney on my/our behalf.

And I / We the undersigned to hereby agree to ratify and confirm acts done by the Advocate or his substitute in the matter my/our own acts as if done by me/us to all intents and purposes.

And I/We the undertake that I/we or my/our duty authorized agent would appear in the court on all hearings and will inform the Advocate for appearance when the case is called.

And I/we the undersigned do hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequence of his absence from the Court when the said case is called up for hearing or for any negligence of the said Advocate or his Substitute.

And I/we the undersigned do hereby agree that in the event of the whole or any part of the fee agreed by me/us and/or invoiced by our Advocate, to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. If any costs are allowed for an adjournment or any other cause, the Advocate would be entitled to the same.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us this 19th day of07....., 2021

Accepted

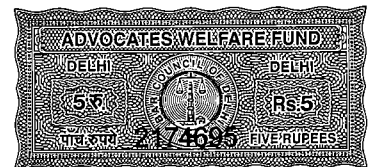
Shubhayu Roy

Client

Chandyara Bibi Sk

Client

Shubhayu Roy, Advocate (Enrolment No. F/1225/2004)
Apartment 111, Amar Jyoti Kunj,
Mayur Vihar Phase I, New Delhi 110091
Phone: +918383855584/ + 919674164231/ 911143010997
Email: shubhayuroy@gmail.com



38



yogesh kamat <ykamat28@gmail.com>

Fwd: chandyyara bibi.pdf

1 message

mayank wadhwa <mayank2862000@gmail.com>
To: ykamat28@gmail.com

Tue, Jul 27, 2021 at 3:38 PM

----- Forwarded message -----

From: **mayank wadhwa** <mayank2862000@gmail.com>
Date: Tue, Jul 27, 2021, 15:38
Subject: chandyyara bibi.pdf
To: <mohammedmuqeem@gmail.com>, <inemb@mofa.gov.sa>

Dear Sir / Madam (s),
Attached please find herewith the copy of the Writ Petition filed before the hon'ble High Court Delhi titled as Chandyyara Bibi Sk ... Petitioner
Versus
Union of India & Anr ... Respondents
Vide Diary No. 427379/2021 dated 20/07/2021
Kindly acknowledge and attend at the time of hearing.

Sincerely,

Shubhayu Roy, Advocate.
Mobile: 8383855584.

 **chandyyara bibi.pdf**
1300K