

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR.JUSTICE DEVAN RAMACHANDRAN  
&  
THE HONOURABLE MR.JUSTICE T.R.RAVI  
FRIDAY, THE 24TH DAY OF APRIL, 2020 /4TH VAISAKHA, 1942  
**W.P(C) TMP-61 OF 2020**

**PETITIONERS:**

1. Ibrahim Elettil, Aged 62 years, S/o.Abdurahman,  
President, Dubai KMCC, Cholayil, Kizhakkoth, Elettil –  
Kozhikode, Kerala.
2. Mr.Afi Udinoor Pakrumade Cheriya, Aged 44 years,  
S/o.Ahammed Haji, Managing Director of M/s Smart  
Travel LLC, Padne House, Thayineri, Payyannur P.O.,  
Kannur District, Kerala.

By Adv.Sri. Haris Beeran  
Adv.Smt.Nuriya O.A.

**RESPONDENTS:**

1. Union of India, Represented by its Secretary,  
Ministry of External Affairs, South Block, New Delhi – 110 001.
2. Ministry of Civil Aviation, Represented by its Secretary,  
Rajiv Gandhi Bhavan, Block B, New Safdarjung Airport  
Area, SatyaSadana, New Delhi – 110 003.
3. State of Kerala, Represented by its Chief Secretary, Government  
Secretariat, Thiruvananthapuram, Kerala, PIN – 695 001.

By Sri. Ranjith Thampan, Addl. Advocate General  
Sri. Suvin R. Menon, CGC  
Govt. Pleader, Sri.P.Narayanan.

This Writ Petition (Civil) coming up for orders on 24/04/2020, along with W.P(C) TMP-64 2020, W.P.(C) TMP 67 of 2020 and W.P.(C) TMP 88 of 2020 and upon

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64/2020 , 67/2020 & 88/2020

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hearing the arguments of Sri.Haris Beeran for the petitioners, Sri. Suvin R. Menon, the learned Central Government Counsel as also Sri.Ranjith Thampan, the learned Addl. Advocate General, the court passed the following:

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IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR.JUSTICE DEVAN RAMACHANDRAN  
&  
THE HONOURABLE MR.JUSTICE T.R.RAVI  
FRIDAY, THE 24<sup>th</sup> DAY OF APRIL, 2020 /4<sup>th</sup> VAISAKHA, 1942  
WP(C) TMP.No.64 OF 2020

**Petitioners :**

1. P.P. Suneer, Aged 51  
S/o P.P. Aboo backer,  
Matayapparambil House,  
Changaramkulam P.O.,  
Malappuram District.
2. Meethala Karuvalodi Babu, Aged 64,  
S/o Kunhikrishnan Adiyodi  
P.O. Box No. 2314, Abudhabi, UAE  
Permanent Address: Reveira Garden,  
Chorode East PO., Vatakara,  
Kozhikode District, PIN 673016

By: Advocate Thulasi K. Raj

**Respondents :**

1. Union of India,  
Represented by Secretary to the Ministry of External Affairs,  
South Bock, Raisina Hills,  
ew Delhi - 110011
2. Secretary to the Ministry of Health and Family Welfare  
Government of India,  
Near Udyog Bhawan Metro Station,  
Maulana Azad Rd,  
New Delhi, 110011.

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3. Secretary to the Ministry of Home Affairs,  
Government of India,  
North Block  
New Delhi - 110001  
India
4. State of Kerala, Represented by  
Secretary to the Department of Non-Resident Keralites' Affairs  
Secretariat, Thiruvananthapuram. Pin – 695 001.
5. NORKA-ROOTS,  
Represented by its Chief Executive Officer,  
NORKA Center, NORKA ROOTS, Near Government Guest House Thycaud,  
Thiruvananthapuram 695 014.

BY Government Pleader, Sri.Thajudheen.  
By Sri. Ranjith Thampan, Addl. Advocate General  
Sri. Suvin R. Menon, CGC

THIS WRIT PETITION (TEMP) HAVING COME UP FOR ORDERS ON 24.04.2020, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING:

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IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR.JUSTICE DEVAN RAMACHANDRAN  
&  
THE HONOURABLE MR. JUSTICE T.R.RAVI  
FRIDAY, THE 24<sup>th</sup> DAY OF APRIL, 2020 /4<sup>th</sup> VAISAKHA, 1942  
**W.P(C) TMP-67 OF 2020**

**Petitioner**

A . E . Abdul Kalam , Aged 49 , Advocate  
S / A . A . Ebrahim Ayyambrath House  
Pallilamkara HMT Colony P . O  
Kalamassery – 683 503

By Advs: M.K. Aboobacker  
D.M.Nowfal

**Respondents**

1 . The Union of India Rep; by Secretary, Ministry of External Affairs,  
Central Secretariat , New Delhi – 110001

2. The State of Kerala Rep . by the Chief Secretary,  
Secretariat, Thiruvananthapuram – 695001

By Sri. Ranjith Thampan, Addl. Advocate General  
Sri. Suvin R. Menon, CGC  
Govt. Pleader, Sri.P.Narayanan

This Writ Petition (Civil) Temp. coming up for orders on 24/04/2020, the court on the same day passed the following:

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MR.JUSTICE T.R.RAVI

FRIDAY, THE 24<sup>th</sup> DAY OF APRIL, 2020 /4<sup>th</sup> VAISAKHA, 1942

W.P. (C) . Temp. NO.88 OF 2020

PETITIONER

K.S. HAMZA, AGED 54 YEARS, S/O. SYED ALAVI,  
KARUPPAN VEETIL, THOZHIPADAM P.O., CHELAKARA,  
VADAKKENCHARRY, THRISSUR DISTRICT, PIN 679 531.

BY ADV. SRI S.KRISHNAMOORTHY

RESPONDENTS:

1. THE STATE OF KERALA,  
REP BY THE CHIEF SECRETARY TO GOVERNMENT,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.
2. THE SECRETARY, MINISTRY OF HEALTH & FAMILY WELFARE, GOVT.  
SECRETARIAT, THIRUVANANTHAPURAM 695 001.
3. UNION OF INDIA REP BY ITS SECRETARY, MINISTRY OF HOME  
AFFAIRS, NORTH BLOCK, NEW DELHI - 110 001.
4. MINISTRY OF EXTERNAL AFFAIRS, REP BY ITS SECRETARY, SOUTH  
BLOCK, NEHRU BHAVAN, NEW DELHI 110 001.
5. MINISTRY OF CIVIL AVIATION, REP BY ITS SECRETARY, RAJIV  
GANDHI BHAVAN 110003, BLOCK B, SAFDARJUNG AIRPORT  
AREA, SATYA SADA, NEW DELHI 110 003.

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6.NATIONAL DISASTER MANAGEMENT AUTHORITY, REP BY ITS MEMBER  
SECRETARY, NDMA BHAVAN, A1 SAFDURNJ ENCLAVE, NEW DELHI -  
110 029.

By Sri. Ranjith Thampan, Addl. Advocate General  
Sri. Suvin R. Menon, CGC  
Govt. Pleader, Sri.P.Narayanan

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON  
24/04/2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:-

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**DEVAN RAMACHANDRAN & T.R.RAVI, JJ.**

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**W.P.(C) TMP Nos. 61, 64, 67 and 88 of 2020**  
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**Dated this the 24<sup>th</sup> day of April, 2020**

**O R D E R**

Devan Ramachandran, J.

These matters project and impel the agony, tribulations and travails of expatriate keralites and other citizens, who are stated to have been stranded in various countries outside India, on account of the impact of the Coronavirus disease – 19 (hereinafter referred to as 'Covid-19' for short).

2. The petitioners primarily show us that many of the citizens and expatriates, who are presently outside India, are unable to procure medicines or to return home on account of the lockdown that has been clamped by the Union of India to combat the disease. Various other corollary prayers are also seen to be included in the writ petitions; but we are afraid that, as the matter now stand, as long as the lockdown is in force, it may not be possible or proper for



us to issue any affirmative directions to the Union of India to operate flights or to repatriate our citizens, especially because the Hon'ble Supreme Court appears to have refused to issue such orders in matters pending before it.

3. That said, however, we are certainly of the view that our citizens require to be protected to the best extent possible, for which purpose, we had directed the learned Assistant Solicitor General, Shri P.Vijayakumar, to file a statement showing the details of the assistance offered to the citizens who are now abroad.

4. We notice that a statement has been filed on record giving the details of the Missions/Posts of the Union of India in the various countries, which are part of the Gulf Co-operation Council; as also that of the helplines and email addresses.

5. Shri Suvin R.Menon, the learned Central Government Counsel submits that the Ambassadors of India in the Missions are interacting with the Indian community through virtual platforms for their engagement at this time of crisis and to provide them all necessary assistance. He further states that, Indian communities/

nationals are being mobilised by the High Commissioners/Embassys/Posts to help all in distress in the respective countries and that they have been coordinating to provide them with food and medicines on a case to case basis. He adds to the above by saying that the Missions are also informing and guiding our citizens about the restrictions being imposed and that they have been kept informed of the advisories being issued by the Governments of those countries.

6. The learned Additional Advocate General, Shri Renjith Thampan, assisted by Shri Hanil Kumar, learned Government Pleader, submits that the Government of Kerala has made all arrangements to welcome back all expatriates and that necessary arrangements for their quarantine and medical assistance have already been put in place. He, however, concedes that the details – as regards to the preparedness of the State of Kerala in this regard – have not been placed on record; but offers to do so by the next posting.

7. Even though we are in complete empathy with the citizens

of India who are stranded abroad, as we already indicated above, it will be difficult for us to issue any conclusive directions at this stage without having all the essential factual inputs. We are, therefore, of the view that the Government of Kerala must place on record all details regarding the facilities that have been arranged for repatriation of the expatriates and citizens of India and, in particular, those who intend to come back to Kerala - along with the details regarding the number of doctors, nurses, paramedical staff and other infrastructural and logistical requirements - by the next posting date, so that this Court will be in a position to take an affirmative decision in these matters, subject to the limitations that have already been cautioned by the Hon'ble Supreme Court.

8. Shri S.Krishnamoorthi, learned counsel appearing in WPC TMP No.88/2020, intervenes to say that he has also asked for an additional direction in his writ petition that the Government of Kerala be not allowed to dilute the lockdown instructions issued by the Union of India in any manner whatsoever. He prays that such directions be issued immediately, since the lockdown is likely to get

over by 3/5/2020. In response, the learned Additional Advocate General, Shri Renjith Thampan, seeks time to obtain instructions in this matter; however, adding that, to the extent possible and feasible, the Government of Kerala have been following the directives of the Union of India, since the issue is common to the entire country and is not a localised one. He prays for time to place on record pleadings to this effect and says that this can also be done by the next posting date.

9. In the aforesaid circumstances, we adjourn these matters to be called on 8/5/2020, within which time, the Government of Kerala will place on record necessary details with respect to the steps and arrangements made by them for repatriation of our citizens.

10. After we dictated this order, Shri M.K.Aboobacker, learned counsel appearing in WPC TMP No.67/2020, made a submission that there are certain categories of persons and citizens like pregnant woman and the old and infirm, who will require emergent medical attention abroad. This is certainly a matter for the Union of India to consider and we are sure that they will rise to the occasion in

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addressing the concerns of such categories of citizens in the most effective manner. We do not propose to make any orders at this stage but we leave it to the Union of India to immediately initiate action, as are absolutely necessary, to alleviate the agony and misery being suffered by these categories of persons in particular.

List this case on 8/5/2020.

**DEVAN RAMACHANDRAN, JUDGE**

**T.R.RAVI, JUDGE**

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## APPENDIX IN WP(C) TMP.No.61 OF 2020

### **PETITIONER'S EXHIBITS**

Exhibit.P1: True Copy of the letter dated 1.4.2020 from Petitioner No.2 to the Respondent Union

Exhibit.P2: True Copy of the communication of the Petitioner No.2 to the Consul General of Indian Embassy in UAE

Exhibit.P3: True Copy of the letter of Consul General to the Petitioner

Exhibit.P4: True Copy of the letter of the Petitioner to the Chief Minister

Exhibit.P5: True Copy of the order dated 1.4.2020 passed by the Hon'ble Supreme Court in WP(C) No. 467 of 2020

Exhibit.P6: True Copy of the newspaper report dated 31.3.2020 published in Deccan Chronicle.

Exhibit. P7: True Copy of the newspaper report dated 3.4.2020 published in Deccan Chronicle.

Exhibit P-8: True Copy of the newspaper report dated 3.4.2020 published in the Hindu.

Exhibit P-9: True Copy of the newspaper report dated 7.4.2020 published in Khaleej Times.

Exhibit P10 : True copy of newspaper report dated 11.04.2020 published in "The Hindu".

Exhibit P11 :True copy of newspaper report dated 13.04.2020 published in "Deccan Chronicle".

Exhibit P12 : True copy of letter dated 13.04.2020 submitted by the Hon'ble Chief Minister of Kerala to the Hon'ble Prime Minister of India.

Exhibit P13: True copy of order of Hon'ble Supreme Court dated 13.04.2020 in W.P.(C) Diary No.10890 of 2020.

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**APPENDIX IN WP(C) TMP.No.64 OF 2020**

**PETITIONER'S EXHIBITS**

Exhibit.P1: True copy of the Additional Travel Advisory dated 19.03.2020 issued by the 2nd Respondent

Exhibit.P2: True copy of the travel advisory issued by the 2nd Respondent dated 16.03.2020

Exhibit.P3: True copy of the order dated 23.03.2020 issued by the 3rd Respondent closing all immigration check points

Exhibit.P4: True copy of the report that appeared on The Hindu dated 20.03.2020

Exhibit.P5: True copy of the letter dated 09.04.2020 issued by the Chief Minister for the State of Kerala to the Prime Minister

Exhibit.P6: True copy of the press release issued by the 2nd Respondent dated 09.03.2020

Exhibit.P7: True copy of the report that appeared on Economic Times dated 12.03.2020

Exhibit.P8: True copy of the newspaper report that appeared in the Hindu on 11.04.2020

Exhibit.P9: True copy of the report that appeared on the Economic Times on 10.04.2020

Exhibit.P10: True copy of the representation dated 04.04.2020 submitted by Kerala Pravasi Federation of which the Petitioner is the Secretary before the Chief Minister of Kerala

Exhibit.P11: True copy of the representation dated 10.04.2020 submitted by Kerala Pravasi Federation of which the Petitioner is the Secretary before the Chief Minister of Kerala

Exhibit.P12: True copy of the representation dated 13.04.2020 filed by the Petitioner to Respondents 1 to 3

Exhibit P13: True copy of the report that appeared on CNBCNews18 on 12.04.2020

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**APPENDIX IN WP(C) TMP.No.67 OF 2020**

**PETITIONER'S EXHIBITS**

Exhibit - P-1:- Representation dated 11 / 04 / 2020 submitted by the Petitioner before the Chief Minister with copy to the Minister for Health , State of Kerala