

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

Wednesday, the 28th day of October 2026 / 6th Karthika, 1948

WP(C) NO. 35189 OF 2025 (W)

PETITIONER:

MARY VICTORIA, AGED 72 YEARS, W/O. DANIEL ANTONY, BINNY BHAVANAM,
NENMENI EAST, MANDROTHURUTH P.O, KOLLAM DISTRICT, PIN - 691502

RESPONDENTS:

1. MINISTRY OF EXTERNAL AFFAIRS, GOVERNMENT OF INDIA REPRESENTED BY SECRETARY SOUTH BLOCK, MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI, PIN - 110011
2. INDIAN CONSULATE AT DUBAI, REPRESENTED BY CONSULATE GENERAL AL HAMRIYA, DIPLOMATIC ENCLAVE P.O. BOX 737, DUBAI UNITED ARAB EMIRATES, PIN - 737
3. NORKA ROOTS, REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER NORKA CENTER, NORKA ROOTS, NEAR GOVT GUEST HOUSE, THYCAUD, THIRUVANANTHAPURAM, PIN - 695014
4. ADDL.R4. JOHNSON PHILIPS, MPIRE ESTATE PHASE 1 SUDARSHAN NAGAR, CHINCHWAD 33, PIMPRI, CHINCHWAD, PUNE, MAHARASHTRA, PIN 411 031 [IS IMPEADED AS PER ORDER DATED 10.10.2025 IN I.A.1/2025 IN WP(C)35189/2025].
5. ADDL. R5. NORKA, REPRESENTED BY SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 [ADDL. R5. IS IMPEADED AS PER ORDER DATED 24.09.2026 IN I.A.03/2026 IN WP(C) 35189/2026]
6. ADDL. R6. THE STATION HOUSE OFFICER, THEKKUMBHAGAM POLICE STATION, MULLIKKALA, THEVALAKKARA P.O., KOLLAM, PIN - 690524.
7. ADDL. R7. THE STATION HOUSE OFFICER, SASTHAMCOTTA POLICE STATION, MANAKKARA, SASTHAMCOTTA P.O., KOLLAM, PIN - 690521
8. ADDL. R8. THE DISTRICT MEDICAL OFFICER, KOLLAM DISTRICT [ADDL. R6 TO ADDL. R8 ARE SUO MOTO IMPEADED AS PER ORDER DATED 28.10.2026 IN WP(C) 35189/2025]

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 2nd respondent to take immediate steps to facilitate the process of the keeping the mortal remains of Late Mr. Robert Francis Sahayan safely, pending disposal of this Writ Petition (Civil).

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 22.10.2026 and upon hearing the arguments of M/S. DHANESH V.MADHAVAN, MUHAMMED SHADI SHABEEB P.S., DEVIKA K.R., Advocates for the petitioner and SMT.O.M. SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA, Advocate of R1 & R2, SRI.JAWAHAR JOSE, Advocate of R3, M/S. GOKUL R.NAIR, S.SIVACHALAM, Advocates of Addl.R4, the court passed the following:



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WEDNESDAY, THE 28TH DAY OF OCTOBER 2026

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MARY VICTORIA

VS

MINISTRY OF EXTERNAL AFFAIRS, GOVERNMENT OF INDIA &

OTHERS

ADVS FOR PETITIONER/S:

SHRI.DHANESH V.MADHAVAN, SHRI.MUHAMMED SHADI SHABEEB
P.S., SMT.DEVIKA K.R.

ADVS FOR RESPONDENT/S:

O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA,
SHRI.JAWAHAR JOSE, SHRI.GOKUL R.NAIR, SHRI.S.SIVACHALAM



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CR**P.V.KUNHIKRISHNAN, J.**

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Dated this the 28th day of October, 2026**ORDER**

The dead body of Mr Robert Francis Sahayan has been waiting for a decent burial since 26.03.2025 in a Forensic Laboratory situated in Ajman, United Arab Emirates (UAE). This Court passed an interim order on 22.10.2026, directing the 1st and 2nd respondents to do the needful to repatriate the dead body of Mr Robert Francis Sahayan from the Forensic Laboratory, Ajman, where the dead body is now kept, and the writ petition was posted to 26.11.2026.

2. But, this Court felt that some additional directions are necessary in this case and hence this writ petition was again posted today.

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3. Heard the learned counsel appearing for the petitioner and the learned Government Pleader. I also heard the learned Deputy Solicitor General of India, the learned Standing Counsel for NORKA ROOTS, and the learned counsel for the additional 4th respondent.

4. Mr Robert Francis Sahayan, aged 71 years, son of Francis John Sahayan, committed suicide on 26.03.2025, while he was at U.A.E. The mortal remains of late Mr Robert Francis Sahayan is now kept in the forensic laboratory at MSK Sheikh Khalifa Hospital, Ajman, U.A.E. Ext.P1 is the death notification issued by the Emirates Health Service, and Ext.P2 is a certificate, which shows that the petitioner is the daughter of the elder sister of the deceased. Admittedly, Mr Robert Francis Sahayan was not married.

5. The petitioner contacted the Indian Consulate in Dubai to repatriate the mortal remains of late Mr Robert Francis Sahayan to Kerala for conducting his funeral rites in accordance with religious ceremony and for being laid to

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rest at their family tomb at St. Andrew's Church, Sasthamcotta, Kollam. It seems that the Indian Consulate in Dubai received another petition and an authorization letter from the Addl. 4th respondent, stating that he is the only nearest blood relative of Mr Robert Francis Sahayan and is entitled to receive all the deceased's belongings. He also requested the Consulate to facilitate the performance of the deceased's funeral rites in U.A.E. itself. Since two relatives of the deceased want to perform the funeral rites differently, NORKA was requested to verify both relatives' claims. The petitioner submitted an application before the NORKA to repatriate the mortal remains of late Mr Robert Francis Sahayan. There was some confusion about the format of the certificate, the petitioner submitted, as evident from Ext.P2. Since there are two conflicting views from the relatives about the place of burial, the dead body is kept in the U.A.E.

6. A statement is filed by respondents 1 and 2, in which it is stated that there are contradictory demands

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made by the nephew and niece of the deceased and therefore they are not in a position to do the needful as far as the dead body is concerned.

7. When this writ petition came up for consideration on 22.10.2026, this Court passed the following order:

“It is a sad story’. The mortal of Late Mr. Robert Francis Sahayan is kept at Forensic Laboratory, Ajman. He died on 26.03.2025, at the age 71 years. The petitioner is the niece of the deceased and the 4th respondent is the nephew. The petitioner, 4th respondent and others are the legal heirs of deceased, Robert Francis Sahayan. Because of the dispute between the petitioner and the 4th respondent, the dead body of Robert Francis Sahayan, is kept at Forensic Laboratory, Ajman. Now, the counsel for the petitioner and the 4th respondent submitted that they have no objection in repatriating the mortal to India.

Therefore, the 1st and 2nd respondents are directed to do the needful to repatriate the dead body of Robert Francis Sahayan, forthwith. The expense for the repatriation of the dead body will be taken by the petitioner for the time being. The point of contact also will be the petitioner.

Post on 26.11.2026.”

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8. Now it is submitted that the first and second respondents have already taken steps to repatriate the dead body of Mr Robert Francis Sahayan based on the above order. In the above order, this Court directed that the petitioner bear the expenses for repatriation of the dead body and serve as the point of contact. However, the interim order dated 22.10.2026 did not address where the dead body is to be buried or the further steps to be taken if there is any dispute between the petitioner and the Addl. 4th respondent. Hence, the case was posted again today.

9. Mr Robert Francis Sahayan, who died in a foreign land on 26.03.2025, is still waiting to find out his final resting place because of the dispute between the petitioner and the Addl. 4th respondent about the place of burial. What a sorry state of affairs is this! For the last 1 ½ years, the dead body of an Indian citizen has been waiting in a forensic lab in the UAE because of a dispute about the place where the body is to be buried between the petitioner and the Addl. 4th respondent. If a citizen in our country

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dies, which is inevitable at some stage of life for everyone, it is the duty of the relatives, society and the state to see that there is a decent burial of his dead body. If relatives fail, society should step in; if society fails, the state should step in. It is the duty of each and every one of us to see that the dead body of a person is buried decently, whether he is a poor man or a wealthy man. There is no 'poor man's dead body' or 'wealthy man's dead body'. Let us not call it like that. Death has erased those distinctions. The mortal remains of all human beings are similar. A dead body deserves no label, but it deserves respect and dignity. This is part of the right under Article 21 of the Constitution of India. The Apex Court in **PT Parmanand Katara v. Union of India** (1995 KHC 3287) observed that, "*right to dignity and fair treatment under Article 21 of the Constitution of India is not only available to a living man but also to his body after his death.*"

10. As I said earlier, the dead body of Mr Robert Francis Sahayan is in the forensic laboratory at Ajman for

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the last 1 ½ years. The dispute between the petitioner and the Addl. 4th respondent should not have been a reason to deny Mr Robert Francis Sahayan a decent burial. Therefore, this Court need not consider the relatives' disagreement over the place of burial of Mr Robert Francis Sahayan. This Court has to respect the dead body of Mr Robert Francis Sahayan and step in for a decent burial of the same, even if the petitioner and the Addl. 4th respondent have no concern about the same.

11. The ultimate aim of the petitioner and the Addl. 4th respondent may be, or may not be, to obtain the deceased's property rights. If their intention is to get that right, let them fight in a competent court. For that purpose, a dead body shall not be insulted like this. Therefore, the Court must approach this dispute not as a contest between the parties, but as a responsibility of the court to secure a lawful and dignified burial of the dead body.

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12. As I said earlier, the disagreement of the relatives must not be allowed to become an indefinite impediment to a dignified burial of the dead body of Mr Robert Francis Sahayan. In such circumstances, this Court had to step in, and hence this Court passed the above order dated 22.10.2026. But that alone is not enough because, if the dead body is received by the petitioner, there shall not be any dispute over the dead body from the side of the Addl. 4th respondent, because this Court wants to see that there is a decent burial of the dead body of Mr Robert Francis Sahayan. The Addl. 4th respondent can participate in the funeral ceremony if he wishes, but he cannot create any problem at the function. To rule out such a possibility, I am of the considered opinion that the jurisdictional police officers should be impleaded as additional respondents in this case. The District Medical Officer, Kollam, can also be impleaded, because the dead body is coming after about 1½ years of the death from another country and the present condition of the body is to be looked into by a

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competent authority immediately when it reaches in the hands of the petitioner.

13. Therefore, the Station House Officer, Thekkumbhagam Police Station, Mullikkala, Thevalakkara P.O., Kollam – 690524, the Station House Officer, Sasthamcotta Police Station, Manakkara, Sasthamcotta P.O., Kollam – 690521 and also the District Medical Officer, Kollam are suo motu impleaded as additional respondent Nos.6, 7 and 8 in this writ petition.

Consequently, in addition to the directions in the order dated 22.10.2026, the following additional directions are also issued:

1. Once the intimation regarding the date on which the dead body of Mr Robert Francis Sahayan is going to be received by the petitioner based on the order dated 22.10.2026, she should inform the same to the Addl. respondent Nos.6 to 8 in advance.

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2. Upon receipt of intimation from the petitioner regarding the date on which the mortal remains of Mr Robert Francis Sahayan are to be brought from Ajman, the Additional 6th and 7th respondents shall ensure that no law-and-order problem arises until the burial is completed. The officers shall further ensure that the mortal remains of Mr Robert Francis Sahayan are given a dignified and decent burial.
3. The petitioner is free to perform the funeral rites in accordance with the religious ceremony and the burial is to be conducted at St. Andrew's Church, Sasthamcotta, West Kallada, Kollam, with the consent of the Church authorities.
4. The burial ceremony shall be completed within four days from the date on which the petitioner received the dead body. The



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District Medical Officer, Kollam, shall make necessary arrangements to preserve the dead body until the burial is over, and the petitioner shall meet the expenses, if any, for the same.

5. The registry will issue a copy of this order to the Government Pleader, who will communicate this order to Addl. respondent Nos.6 to 8 forthwith.

Post on 26.11.2026.



Sd/-
P.V.KUNHIKRISHNAN
JUDGE

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APPENDIX OF WP(C) 35189/2025

Exhibit P1

**A TRUE COPY OF THE DEATH NOTIFICATION ISSUED BY
EMIRATES HEALTH SERVICE DATED 26/03/2025**

Exhibit P2

**A TRUE COPY OF THE LEGAL HEIRSHIP CERTIFICATE ISSUED BY
TAHSILDAR, TALUK OFFICE, KOLLAM DATED 02/07/2025 AND
ATTESTED BY THE MINISTRY OF EXTERNAL AFFAIRS,
GOVERNMENT OF INDIA**

