



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.3210 of 2021

Palanichamy

...Petitioner

Vs.

1.The Director of Medical and Rural Health Service,
Directorate, DMS Compound,
Annasalai,
Theynampet,
Chennai.

2.The Joint Director of Medical and Rural Health Service and Family
Welfare, No.4, V.O.C. Road, Trichy - 1.

3.The District Collector,
Trichy District.

4.MD India Health Insurance TPA Private Limited,
Unit of United India Insurance Company Ltd.,
Guna Complex,
New Door No.443 & 445,
Old No.304 & 305,
Anna Salai,
Theynapet,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay the medical bill of Rs.1,08,000/- (Rupees One Lakh and Eight Thousand only), payable under new Health Insurance for reimbursing medical expenses at the rate of 12% to the petitioner by considering his representation dated 06.11.2020 and 20.11.2020.

For Petitioner : Mr.A.Balakrishnan

For Respondents : Mr.P.Kannithevan for R1 to R3
Additional Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Since the petitioner's request to the respondents to pay the medical bill of Rs.1,08,000/- (Rupees One Lakh and Eight Thousand only), payable under new Health Insurance for reimbursing medical



expenses at the rate of 12% to the petitioner, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representations in this regard on 06.11.2020 and 20.11.2020, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the respondents herein to consider the petitioner's representations dated 06.11.2020 and 20.11.2020, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the respondents to consider the petitioner's representations dated 06.11.2020 and 20.11.2020, on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Director of Medical and Rural Health Service,
Directorate, DMS Compound,
Annasalai,
Theynampet,
Chennai.

2.The Joint Director of Medical and Rural Health Service and Family
Welfare, No.4, V.O.C. Road, Trichy - 1.

3.The District Collector,
Trichy District.

+1 CC to Mr.A.BALA KRISHNAN, Advocate (SR-6390[F] dated
22/02/2021)

+1 CC to SPL GP (SR-6449[F] dated 22/02/2021)

W.P. (MD) No.3210 of 2021
19.02.2021

VB (11.03.2021) 3P 6C