



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.7082 of 2021

Arumugam

...Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai - 625 020.

2.The Commissioner,
Madurai Corporation,
Madurai - 625 002.

3.The Joint Director,
Medical and Rural Health Services,
Villanaisalai,
District T.B. Center,
Usilampatti,
Madurai - 625 532.

4.Manager,
M/s.M.D.India Health Insurance,
(United India Insurance Co.Ltd.,) TPA PVT Ltd.,
Old NO.304 to 206, New No.443 to 445 Guna Complex,
Anna Salai, Thenampettai, Chennai - 600 018. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to take appropriate action to reimburse 75% of the medical expenses insurance amount to the tune of Rs.84,600/- rupees to the petitioner, by considering the petitioner's representation, dated 30.11.2020, in accordance with law, within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mrs.VPM.Vaishnavi
Government Advocate for R1 and R3
Mr.R.Murali
Standing Counsel.for R2

O R D E R

Since no adverse order is going to be passed against the fourth respondent, notice him is dispensed with. By consent of available 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 take

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appropriate action to reimburse 75% of the medical expenses insurance amount to the tune of Rs.84,600/- rupees to the petitioner, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 30.11.2020, which is still pending.

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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 second respondent herein to consider the petitioner's representation dated 30.11.2020, 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 second respondent to consider the petitioner's representation dated 30.11.2020, on its own merits and pass appropriate orders in accordance with law, within a period of four 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 (RTI ACT)

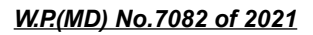
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Sub Assistant Registrar (CS)

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.*

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To

+1 CC to M/s.SPL GP (SR-14379[F] dated 30/03/2021)

GS (24.04.2021) 3P 5C