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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.12340 of 2022

M.Arockiasamy

...Petitioner

Vs.

1.The State Tax Officer,
(State Taxes), Thiruvarur.

2.MD India Health Insurance TPA Private Ltd.,
Represented by its Regional Manager,
Guna Complex,
D.No. 443 and 445, Anna Salai,
Teynampet, Chennai - 18.

3.District Collector,
Thanjavur District.

4.Deputy Commissioner,
State Taxes,
20/3, Sachithananda Moopanar Road,
Thanjavur.

5.The Divisional Manager,
United India Insurance,
PLA Rathna Towers, 5th floor,
Anna Salai, Chennai - 600 006.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus directing the respondents herein to sanction and reimburse the petitioner's medical claim of Rs. 1,45,230/- for the treatment taken for his heart attack and surgery based on his representation dated 17.02.2021 together with interest within a time-frame as deem fit and proper by this court or issue any other appropriate direction.

For Petitioner : Mr.G.Bala and Daisy

For Respondents : Mr.Richardson Wilson,
Additional Government Pleader
for R1 to R4



ORDER

The Writ Petition is filed for the issuance of a writ of mandamus directing the respondents herein to sanction and reimburse the petitioner's medical claim of Rs. 1,45,230/- for the treatment taken for his heart attack and surgery based on his representation dated 17.02.2021 together with interest within a time-frame.

2. After elaborate argument of the matter, the learned Government Pleader brought to the notice of this court that the petitioner has not filed proper appeal before the State Level Committee and also the prayer itself seeks for reimbursement of the petitioner's medical claim based on his representation dated 17.02.2021 and further stated that the District Level Committee has rejected the claim on the ground that the petitioner taking treatment in non-network hospital. The said rejection order has not been challenged. Therefore, it is for the petitioner to approach the appropriate authority for seeking claim or challenging the order passed by the District Collector, Thanjavur. The petitioner has not impleaded the District Collector, Thanjavur as a party.

3. In view of the above defects pointed out by the learned Government Pleader, the learned counsel for the petitioner seeks to withdraw the writ petitioner with liberty to approach the appropriate authority concerned and file a proper appeal before the authority concerned seeking the said remedy. He has also made an endorsement to that effect.

4. In view of the above request made by the learned counsel for the petitioner, the writ petition stands dismissed as withdrawn with the above liberty. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

mrn

To

1.The State Tax Officer,
(State Taxes)
Thiruvarur.

2.The District Collector,
Thanjavur District.



3.The Deputy Commissioner,
State Taxes,
20/3, Sachithananda Moopanar Road,
Thanjavur.

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+1cc to the Special Government Pleader Sr.No.33222

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SR(CO)
RVM(20/06/2022)