



W.P.No.12893 of 2020

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 21.06.2022**

**CORAM:**

**THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR**

**W.P.No.12893 of 2020**

1.M.Deenadayalan (Deceased)

2.D.Kavitha

3.D.Saranya (Minor),  
Rep. by her Mother D.Kavitha

4.Parvathi

... Petitioners

(P2 to P4 substituted as LR's of Deceased sole  
petitioner vide order dated 21.06.2022 made in  
W.M.P.No.9436 of 2022 in W.P.No.12893 of 2020)

vs.

1. The District Collector,  
Villupuram and Villupuram District.
2. The Joint Director of Medical and Rural Health Services,  
Villupuram,  
Villupuram District.
3. Treasuries and Account Department,  
Represented its Treasury Officer District Treasury,  
Villupuram.
4. United India Insurance Company Limited,  
Represented by its Divisional Manager,  
Vth Floor, P.L.A. Rathna Towers 212,  
Anna Salai, Chennai – 600 006.



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5. The General Manager,

Tamil Nadu State Transport Corporation (Villupuram) Ltd.,

Kancheepuram Region,

Ponnerikari Bangalore Highway,

Kancheepuram Post and District.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent vide Rc.No.9110/A3/2017/8 dated 07.06.2019 and quash the same and further directing the fourth respondent to reimburse the Medical Bill amount a sum of Rs.1,74,285/- (Rupees One Lakh Seventy Four Thousand Two Hundred and Eight Five only) spent at Billroth Hospitals, Chennai with 18%% interest per annum from 27.07.2018 to till the date of realization.

For Petitioners : Mr.P.Chandrasekaran

For R1 to R3 : Mr.T.Arunkumar  
Additional Government Pleader

### **ORDER**

This Writ Petition has been filed seeking to issue a Writ of Certiorarified Mandamus, calling for the records of the 3<sup>rd</sup> respondent vide Rc.No.9110/A3/2017/8 dated 07.06.2019 and quash the same and further, directing the 4<sup>th</sup> respondent to reimburse the Medical Bill amount a sum of Rs.1,74,285/- (Rupees One Lakh Seventy Four Thousand Two Hundred and Eight Five only) spent at Billroth Hospitals, Chennai with 18%% interest per annum from 27.07.2018 to till the date of realization.

2. According to the 1<sup>st</sup> petitioner, the 3<sup>rd</sup> respondent has rejected the



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claim of the 1<sup>st</sup> petitioner on the ground that he has taken treatment in a Non-Network Hospital. According to him, the said reason as stated by the 3<sup>rd</sup> respondent is unsustainable in the light of the orders passed by this Court. Further, according to him, he had undergone treatment and medical bills issued by the Billroth Hospital, Shenoy Nagar, Chennai, which comes under the Net Working Hospital as approved by the Government. Therefore, the said reason is not correct.

3. The 3<sup>rd</sup> respondent has filed counter affidavit, wherein it has been stated that as per the Government Order in G.O.Ms.No.202, Finance (Salaries) Department, dated 30.06.2016, the Government has made provisions to seek his remedy before the District Level Empowered Committee under the Chairmanship of District Collector with the Member of Joint Director of Health Services. Therefore, without exhausting his claim before the said Committee, the 1<sup>st</sup> petitioner has approached this Court directly under Article 226 of the Constitution of India. Further, submitted that he has taken treatment in the Non-Network Hospital and therefore, there is no merit in the instant writ petition and the same is liable to be rejected.

4. In the light of the above said submissions made by the parties, the



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impugned order passed by the 3<sup>rd</sup> respondent dated 07.06.2019 is quashed.

The 3<sup>rd</sup> respondent is directed to forward the claim of the 1<sup>st</sup> petitioner to the District Level Empowered Committee under the Chairmanship of District Collector, Villupuram District, within a period of four weeks from the date of receipt of a copy of this order. On such claim has been made before the District Level Empowered Committee under the Chairmanship of District Collector, Villupuram District, the same shall be considered and pass appropriate orders, as early as possible.

5. With the above directions, the writ petition stands allowed. No costs.

**21.06.2022**

Index : Yes / No  
Internet : Yes / No  
dm



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To

WEB COPY

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Villupuram District.
3. The Treasury Officer District Treasury,  
Treasuries and Account Department,  
Villupuram.
4. The Divisional Manager,  
United India Insurance Company Limited,  
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**D.KRISHNAKUMAR. J**

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