



W.P(MD)No.2304 of 2012

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2022

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.2304 of 2012

and

M.P(MD)No.1 of 2012

Sengutuvan

... Petitioner

Vs.

1.The Managing Director,
Star Health & Allied Insurance Co Ltd.,
Old No.64A, New No.2A,
Ganga Nagar Road, (Opp to BSNL Office),
Kodambakkam, Chennai-600 024.

2.The Deputy Manager (Accounts),
Tamil Nadu Civil Supplies Corporation,
Madurai Region.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call the impugned order of the 1st respondent dated 23.09.2011 and to quash the same and consequently directing the respondents to disburse the amount as per the certificate given by the Apollo Medical Hospital authorities.



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For Petitioner : Mr.T.Sekar
for Mr.G.Prabhu Rajadurai
For R2 : Mr.G.Mohan Kumar

ORDER

The present writ petition has been filed challenging an order passed by the 1st respondent, rejecting the request of the petitioner to disburse the amount under the medical insurance scheme.

2. At the outset, the writ petition as against the 1st respondent is not maintainable under Article 226 of the Constitution of India nor it owes a public duty. The claim is pursuant to a contract entered between the petitioner and the 1st respondent, implementation of which could not be entertained under Article 226 of the Constitution of India.

3. The writ petition is not maintainable and the same is liable to be dismissed. However, considering the fact that the petitioner has been agitating before the wrong forum, the period of pendency that is from the date of filing of the writ petition till the date of this order, shall be



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excluded, if the petitioner seeks to file appropriate civil proceedings as advised and the same shall not be rejected on the ground of delay.

4. In view of the above said facts, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

07.12.2022

Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU,J.

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Order made in
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