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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.09.2023**

CORAM

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**  
AND  
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.960 of 2015

T.Padma

...Appellant

-Vs.-

1.The Principal Secretary,  
Government of Tamil Nadu,  
Secretariat, Chennai.

2.The Project Director,  
New Health Insurance Scheme Project Office,  
Chennai.

3.MD India Healthcare Service (TPA) Pvt.Ltd.,  
through its Managing Director,  
No.27/7, Lakshmi Towers, 3<sup>rd</sup> Floor,  
Dr.R.K.Salai, Mylapore,  
Chennai – 600 004.

...Respondents

PRAYER:- Writ Appeal - filed under Clause 15 of Letters Patent Act, to  
set aside the order dated 28.07.2015 made in W.P.(MD)No.13087 of 2015  
on the file of this Court.



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For Appellant :Mr.S.Senthil  
for Mr.R.Ramadurai  
For R1 and R2 :Mr.T.Amjad Khan  
Government Advocate  
For R3 :No Appearance

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### **JUDGMENT**

(Judgment of the Court was delivered by **R.VIJAYAKUMAR, J.**)

The Writ Petitioner is the appellant herein. The Writ Petition has been filed for a Mandamus to issue a direction to the respondents for reimbursement of the medical expenses incurred by the Writ Petitioner under Tamil Nadu New Health Insurance Scheme 2012.

2.According to the Writ Petitioner, she is a Government Employee and she has subscribed to Tamil Nadu New Health Insurance Scheme 2012 and the premium for the said insurance scheme is deducted from her salary. She has further contended that her husband had suffered a high blood pressure on 25.03.2015 and he was admitted to a nearby hospital and later, due to cerebral hemorrhage, he was admitted to Velammal Medical College Hospital and Research Institute, Madurai. The petitioner's husband is said to have been undergone to surgery and he was admitted as an inpatient from 25.03.2015 to 31.03.2015.



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3. According to the Writ Petitioner, she had incurred a sum of Rs.96,161/- towards medical expenses. She had made a claim to the third respondent herein and the third respondent repudiated the said claim. Without challenging the said order, the Writ Petition came to be filed seeking a Mandamus.

4. The Writ Court, after observing that the Writ Petition is not maintainable as against a private party, has proceeded to dismiss the Writ Petition also on the ground that the claim of the Writ Petitioner has been repudiated by an order dated 04.06.2015 and therefore, Writ of Mandamus, without challenging the said order, is not maintainable. Challenging the said order, the present Writ Appeal has been filed.

5. In paragraph No.6 of the affidavit, the Writ Petitioner has categorically averred that the claim made by her for medical reimbursement has been repudiated by the third respondent. The said letter has also been enclosed in the typed set of papers, which indicates that on 04.06.2015, the third respondent has repudiated the claim of the Writ Petitioner. Therefore, we find that the Writ Court was right in



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dismissing the Writ Petition on the ground of maintainability and we find no merits in this appeal. Hence, this Writ Appeal stands dismissed. No costs.

**[A.S.M.J.] & [R.V.J.]**  
**12.09.2023**

NCC :Yes/No  
Index :Yes/No  
Internet :Yes/No

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To

1.The Principal Secretary,  
Government of Tamil Nadu,  
Secretariat, Chennai.

2.The Project Director,  
New Health Insurance Scheme Project Director,  
Chennai.



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**DR.ANITA SUMANTH, J.**  
**AND**  
**R.VIJAYAKUMAR, J.**

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W.A.(MD)No.960 of 2015

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