



W.P.(MD).No.21016 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.21016 of 2021

A.Mohamed Abu Bucker

... Petitioner

Vs.

1. The State of Tamil Nadu,
by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai -9.
2. The District Collector,
O/o. the District Collector Office,
Collector Office Campus,
Kanyakumari,
Kanyakumari District.
3. The District Treasury Officer,
O/o.the District Treasury Office,
Collector Office Campus,
Kanyakumari
Kanyakumari District.
4. The Senior Divisional Manager,
United India Insurance Company Limited,
O/o. the Divisional Office VI, 5th Floor,
P.L.A.Rathna Towers,
212, Annasalai,
Chennai -6.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorarified Mandamus***, calling for the records relating to the Impugned order passed by the 4th respondent in his proceedings Nil, dated 21.12.2018 and quash the same as illegal and consequently direct the respondents to disburse and reimburse the medical expenses incurred by the petitioner for undergoing the surgery at Krishna Kumar Orthopedic hospital within the period that may be stipulated by this Court.

For Petitioner : M/s.H.Jasima Yasmi, for
M/s.Ajmal Associates

For R-1 to 3 : Mr.B.Saravanan,
Additional Government Pleader

For R-4 : Mr.A.Shajahan

ORDER

This writ petition is filed for ***Writ of Certiorarified Mandamus***, to quash the Impugned order, dated 21.12.2018 with a consequential relief to direct the respondents to disburse and reimburse the medical expenses.

2. The learned counsel appearing for the petitioner submitted that the claim of the petitioner was rejected through the impugned order, dated 21.12.2018 passed by the 4th respondent. The reason for rejection is that the petitioner has admitted in Non-network Hospital and hence, the claim of the petitioner was rejected by the District Empower Committee.



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3. The learned Special Government Pleader appearing for the respondents submitted that though the petitioner is having Appellate remedy he has approached this Court by way of filing this Writ Petition.

4. In view of the same, the petitioner is directed to file an appeal before the State Level Empowered Committee along with original bills. The State Level Empowered Committee shall pass an order after hearing the petitioner as well as the Insurance company, within a period of 4 weeks from the date of receipt of a copy of this Court.

5. With the above directions, this Writ Petition is disposed of. No Costs. There shall be no order as to costs.

13.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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S.SRIMATHY, J.

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