



WEB COPY



W.P.No.5902 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.5902 of 2024

1. Eswari
2. Ranjitha

... Petitioners

-Vs-

1. The District Collector,
Collectorate,
Salem,
Salem District.
2. The Block Development Officer,
(Village Panchayat),
Sankari,
Salem District.
3. Kaveripatti Agragaram Village Panchayat,
represented by its President,
Sankari Panchayat Union,
Kaveripatti Agraharam,
Salem District.
4. P.Prakash
5. Revathi

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to apportion and disburse the comprehensive group insurance amount stood in the name of petitioner husband late K.Perumal who died in harness on 15.01.2020, by considering their representation dated 06.11.2023.



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For Petitioners : Mr.N.Manoharan
For R1 : Mrs.R.L.Karthika
Government Advocate
For R2 and R3 : Mr.T.M.Rajangam
Government Advocate

ORDER

This writ petition has been filed for direction directing the respondents 1 to 3 to apportion and disburse the comprehensive group insurance amount stood in the name of petitioner husband late K.Perumal who died in harness on 15.01.2020, by considering their representation dated 06.11.2023.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner's husband one K.Perumal, was working as Pump Operator in the overhead water tank in the third respondent Panchayat. The petitioner's husband initially got married with one Eswari. Through the first wife, he gave birth to the respondents 4 and 5. After the demise of first wife, he got married with the first petitioner, in the year 1995. Through the first petitioner, he gave birth to the second petitioner, who is a mentally retarded



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child. When the petitioner's husband was alive, during his course of employment, he had paid contribution towards the comprehensive health insurance scheme. Therefore, the legal heirs of the deceased K.Perumal are entitled to get the amount from the comprehensive health insurance scheme. Therefore, the petitioners approached the respondents 1 to 3 to extend the benefits of health insurance scheme to them. However, the first petitioner was directed to obtain No Objection Certificate from the respondents 4 and 5. The respondents 4 and 5 refused to give No Objection Certificate, since they are not in need of money. According to the petitioners, the respondents 4 and 5 are expecting the petitioners to die and after that, they plan to receive the entire amount. The first petitioner could not maintain her family, since the second petitioner is a mentally retarded person. Therefore, the petitioners submitted a representation to disburse their share from the comprehensive health insurance amount, which stood in the name of the first petitioner's husband.

4. Considering the above facts and circumstances of the case, the respondents are directed to issue notice to the respondents 4 and 5 and conduct enquiry and pass orders to disburse the share of the comprehensive health insurance amount stood in the name of first petitioner's husband late



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K.Perumal, to the petitioners, without insisting any No Objection Certificate from the respondents 4 and 5, if they are entitled for the said amount, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

07.03.2024
($\frac{1}{2}$)

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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To

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(Village Panchayat),
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3. The President,
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G.K.ILANTHIRAIYAN. J.

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