



WP(MD) No.2248 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.2248 of 2022

and

W.M.P(MD)No.1950 to 1952 of 2022

Yakubkhan

... Petitioner

Vs.

- 1.The Union of India represented by
The Principal Secretary to Government,
The Government of India,
Ministry of Finance,
3rd Floor, Jeevandeep Building, Sansad Marg,
New Delhi - 110 001.
- 2.The State of Tamilnadu represented by
The Principal Secretary to Government,
Ministry of Finance,
Secretariat, St. Fort George,
Chennai - 600 009.
- 3.The State of Tamilnadu Represented by
The Principal Secretary,
Municipal Administration and Water Supply Department,
Fort. St George, Chennai - 600 009
- 4.The Commissioner of Municipal Administration,
Commissionerate of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road, Chennai - 28
- 5.The District Collector
Office of the District Collector,
Madurai - 625 020.

6.The Commissioner

<https://www.mca.gov.in>



WP(MD) No.2248 of 2022

Madurai Corporation,
Madurai – 625 002.

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7.The Joint Director
Medical and Rural Health Service,
Villanisolai,
District T.P. Center, Usilampatti,
Madurai – 625 532.

8.The Chairman Cum Managing Director,
United India Nalanda,
Door No-19, Ground Floor, 4th Lane,
Uthamar Gandhi Salai, Chennai.

9.The General Manager
United India Nalanda,
Door No-19, Ground Floor, 4th Lane,
Uthamar Gandhi Salai,
Chennai.

10.The Manager
M/s. M.D. India Health Insurance,
(United India Insurance Co. Ltd) TPA Pvt. Ltd.,
Old No.304 to 306, New No. 443 to 445 Guna Complex,
Annasalai, Thenampettai,
Chennai – 600 018.

11.The Regional Chief
Regional Office RO-Madurai,
Pandiyar Building, 7 A, Floor No.1,
West Veli Street,
Madurai – 625 001.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the Respondents to take appropriate actions to reimburse the medical expenses and insurance amount to the petitioner in accordance with law.



WP(MD) No.2248 of 2022

WEB COPY

For Petitioner : Mr.S.R.Alagumani
For Respondents: Mr.J.Ashok – for R2 to R5 & R7
Additional Government Pleader
Mr.P.Subbiah – for R1
Mr.K.K.Kannan – for R6
: (*) Mr.C.Karthick - for R8 to R11

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the Respondents to take appropriate actions to reimburse the medical expenses and insurance amount to the petitioner in accordance with law.

2. Heard Mr.S.R.Alagumani, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 2 to 5 and 7 and Mr.P.Subbiah, learned counsel appearing for the first respondent and Mr.K.K.Kannan, learned counsel appearing for the sixth respondent.

3. The petitioner herein had given several representations to the respondents on various dates seeking for medical reimbursement under New Health Insurance Scheme. Since the said representations were not considered by the respondents so far, the present writ petition has been filed.

<https://www.mhc.tn.gov.in/judis> 4. It is needless to point out that whenever a representation of this nature



WP(MD) No.2248 of 2022

is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 22.01.2022 on its own merits and pass appropriate orders in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

6. With the above direction, the Writ Petition stands **disposed of**. No

<https://www.mca21.in.gov.in> costs. Consequently, connected miscellaneous petitions are closed.



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WP(MD) No.2248 of 2022

Sd/-

Assistant Registrar (AD-II)

**(*)Corrected as per the order of this Court dated. 22.07.2024
in WP(MD)No.2248 of 2022.**

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/08/2024

Sub Assistant Registrar
(CS-I/II/III/IV)

RM

**(*)To be substituted to the order already despatched on 09-07-2024 in
WP(MD)No.2248 of 2022.**

To

1.The Principal Secretary to Government,
The Union of India,
The Government of India,
Ministry of Finance,
3rd Floor, Jeevandeep Building, Sansad Marg,
New Delhi - 110 001.

2.The State of Tamilnadu represented by
The Principal Secretary to Government,
Ministry of Finance,
Secretariat, St. Fort George,
Chennai - 600 009.

3.The Principal Secretary,
The State of Tamilnadu,
Municipal Administration and Water Supply Department,
Fort. St George, Chennai - 600 009



WP(MD) No.2248 of 2022

4.The Commissioner of Municipal Administration,
Commissionerate of Municipal Administration,
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Santhome High Road,
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5.The District Collector
Office of the District Collector,
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6.The Commissioner
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9.The General Manager
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WP(MD) No.2248 of 2022

10.The Manager

M/s. M.D. India Health Insurance,
(United India Insurance Co. Ltd) TPA Pvt. Ltd.,
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Chennai – 600 018.

11.The Regional Chief

Regional Office RO-Madurai,
Pandiyar Building, 7 A, Floor No.1,
West Veli Street,
Madurai – 625 001.

+1 CC to M/s.P.SUBBIAH, Advocate (SR-24897[F] dated 04/06/2024)

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-24912[F] dated 04/06/2024)

+1 CC to M/s.K.K.KANNAN, Advocate (SR-25107[F] dated 05/06/2024)

+1 CC to M/s.SPL.GP (SR-25352[F] dated 05/06/2024)

W.P.(MD)No.2248 of 2022

Dated: 04.06.2024

RE (25.06.2024) 7P/ 16C

SI-(01.08.2024) 7P/ 16C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.