



W.P.(MD)No.4758 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.11.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.4758 of 2022

L.Amutha

... Petitioner

Vs.

1. The Dean,
Government Medical College,
Sivagangai,
Sivagangai District.

2. Sathya,
Government Medical College Hospital,
Sivagangai,
Sivagangai District.

3. The Authorized Officer,
SBI Life Insurance Company Limited,
Natraj M.V.Road and Western Express Highway Junction,
Andheri (East),
Mumbai-400069.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to issue corrected discharge summary by mentioning cause of death with correct particulars about the disease of the petitioner's deceased husband by considering the representation of the petitioner dated 17.12.2021 and 28.02.2022.



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For Petitioner : Mr.J.Anandkumar
For Respondents : Mr.T.Amjad Khan (R1 & R2)
Government Advocate
Mr.P.Arun Jeyatram (R3)

ORDER

This writ petition has been filed to direct the respondents 1 and 2 to issue corrected discharge summary by mentioning the cause of death with correct particulars about the disease of the petitioner's deceased husband by considering the representations of the petitioner dated 17.12.2021 and 28.02.2022.

2. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

3. The petitioner's husband namely, Loganathan, who was working as an Accountant in the Sub Treasury Office, Karaikudi, was taken for the treatment to the first respondent hospital, wherein he was admitted in an emergency ward and unsuccessfully, he passed away on 25.09.2021. Thereafter, when the petitioner took steps for availing the insurance amount on the insurance policy



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of the petitioner's husband, it was rejected by the third respondent directing the petitioner to produce treatment summary as well as discharge summary of her husband. Only then, the petitioner came to understand that the discharge summary furnished to her by the second respondent is not in order and hence, she was unable to avail the insurance benefits on the policy taken by her deceased husband. Hence, she made representations on 17.12.2021 and 28.02.2022 to issue proper discharge summary. Since the same was not considered, this writ petition came to be filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. In view of the same and considering the request of the petitioner, this Court hereby direct the respondents 1 and 2 to consider the petitioner's representations dated 17.12.2021 and 28.02.2022, and issue proper discharge



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summary, within a period of two weeks from the date of receipt of copy of this order.

6. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

29.11.2024

NCC : Yes / No
Index : Yes / No
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TO:-

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Sivagangai District.

2. Sathya,
Government Medical College Hospital,
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Sivagangai District.



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L.VICTORIA GOWRI, J.

Sm

Order made in
W.P.(MD)No.4758 of 2022

Dated
29.11.2024