



W.P.(MD)No.4058 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.11.2024**

CORAM:

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

W.P.(MD)No.4058 of 2019

M.Subbiya Thevar

... Petitioner

/Vs./

- 1.The State of Tamilnadu,
Rep.By its the Secretary,
Health and Family Welfare Dept.,
Secretariat, Fort.St.George, Chennai-9
- 2.The Project Director,
The Tamilnadu Health Systems Project, (TNHSP),
2nd Floor, Dms Annex,
New Building, No.259, Annasalai,
Thenampettai, Chennai-6
- 3.The Project Director,
The Tamilnadu Health Systems Project, (TNHSP),
No.226, Om Sakthi Towers,
Keelpauk Garden Road,
Keelpaukam, Chennai.
- 4.The District Collector,
Office of the District Collector,
Tirunelveli District.



W.P.(MD)No.4058 of 2019

5. The Authorized Officer,
Meenakshi Mission Hospital and Research Center,
Melur Main Road,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to refund the amount for a sum of Rs.1,75,986/- (One Lakh Seventy Five Thousands and Nine hundred and eighty six rupees), spent towards the petitioner's treatment at the 5th respondent hospital, to him, within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.S.Shanmugavel (R1, R2 & R4)

Additional Government Pleader

Mr.G.Prabhu Rajadurai (R3)

Mr.K.M.Thirupathy (R5)

ORDER

This writ petition has been filed seeking for a direction to the respondents to refund the amount for a sum of Rs.1,75,986/- (One Lakh seventy five thousand and nine hundred and eighty six rupees), spent towards the petitioner's treatment at the 5th respondent hospital, to him, within the time stipulated by this Court.



W.P.(MD)No.4058 of 2019

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2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The claim petition made by the petitioner before the fifth respondent is pending without forwarding the same to the insurance company, namely, the United India Insurance Company, Represented by Project Manager, Chief Minister's Comprehensive Health Insurance Scheme (CMCHIS), situated at No.226, Om Sakthi Towers, Keelpauk Garden Road, Keelpaukam, Chennai. Further, on the complaint lodged by the petitioner, the fifth respondent hospital also received the medical charges under the scheme. However, the claim of the petitioner was not considered so far. Therefore, the licence of the fifth respondent under CMCHIS scheme was also cancelled. The fifth respondent is liable to forward the claim of the petitioner before the insurance company.

4. In view of the above, the fifth respondent is directed to submit the claim of the petitioner's medical claim entitlement under CMCHIS scheme forthwith. On receipt of the same, the United India Insurance



W.P.(MD)No.4058 of 2019

Company, Represented by Project Manager, CMCHIS, situated at No. 226, Om Sakthi Towers, Keelpauk Garden Road, Keelpaukam, Chennai, is directed to consider the medi-claim of the petitioner for the treatment undergone by the petitioner in the fifth respondent hospital and disburse the same to the petitioner on merits and in accordance with law, within a period of four weeks from the date of receipt of the claim forwarded by the fifth respondent.

5. With the aforesaid direction, this writ petition is disposed of.

No costs.

28.11.2024

Index : Yes / No
NCC : Yes / No
Sm



W.P.(MD)No.4058 of 2019

Copy To;

- 1.The United India Insurance Company,
Represented by Project Manager,
Chief Minister's Comprehensive Health Insurance Scheme (CMCHIS),
No.226, Om Sakthi Towers,
Keelpauk Garden Road,
Keelpaukam, Chennai.

TO:-

- 1.The State of Tamilnadu,
Rep.By its the Secretary,
Health and Family Welfare Dept.,
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- 2.The Project Director,
The Tamilnadu Health Systems Project, (TNHSP),
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G.K.ILANTHIRAIYAN, J.

Sm

Order made in
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Dated:
28.11.2024