



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

**WP No.26741 of 2026
and
WMP No.29253 of 2026**

Kalpana Gupta

..Petitioner(s)

Vs

1. Office of the Chairman Authorization
Committee and Directorate of Medical
Education and Research,
Kilpauk,
Chennai 10.
2. The Chairman and Managing Director,
Kovai Medical Center and Hospital Limited,
Post Box No.3209,
Avanashi Road,
Coimbatore

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, to call for the records connected with Impugned order No.K.Dis.No.56762/H&DII/4/2026 dated 25.06.2026 of first respondent and quash the same and direct first respondent to permit petitioner to undergo Renal Transplant operation at second respondent Hospital, receiving the organ from her mother-in-law/ donor Ms.Rekha Gupta.



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For Petitioner(s):

Mr.P.John Zachariah

For Respondent(s):

Mr.P.V.Balasubramanian
Additional Advocate General
assisted by Mr.P.Elayaraj Kumar,
for Government
for R1

ORDER

The present writ petition has been filed challenging impugned order No.K.Dis.No.56762/H&DII/4/2026 dated 25.06.2026 of first respondent and direct first respondent to permit petitioner to undergo Renal Transplant operation at second respondent Hospital, receiving the organ from her mother-in-law/ donor Ms.Rekha Gupta.

2. Petitioner was diagnosed with kidney problem and was referred to second respondent by a Nephrologist from her home state, Chhattisgarh. Petitioner was put on haemodialysis and advised to undergo kidney transplantation. Petitioner's mother-in-law came forward to donate one of her kidneys to petitioner. Petitioner and her mother-in-law obtained approval from the Authorisation Committee in Chhattisgarh on 04.05.2026 and immediately gave a letter to second respondent requesting to permit petitioner to undergo renal transplant operation. Second respondent submitted an application to first respondent seeking approval for renal transplantation of petitioner. First respondent, vide impugned order dated 25.06.2026, "withheld" the application



on the premise that donor was referred to Medical Board.

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3. Learned Additional Advocate General for first respondent would clarify that the only reason for referring donor to Medical Board was to evaluate whether the donor is medically fit to undergo this transplantation.

4. Learned counsel for petitioner would submit that Authorisation Committee which needs to evaluate and approve is the Authorisation Committee of the State, to which the donor and donee belong. In this regard, reliance was sought to be placed on the judgment of the Supreme Court in the case of *Kuldeep Singh and Another vs State of Tamil Nadu and Others* reported in (2005) 11 SCC 122. The relevant portion reads as under:

“Above being the intent, the inevitable conclusion is that the Authorisation Committee of the State to which the donor and the donee belong have to take the exercise to find out whether approval is to be accorded”

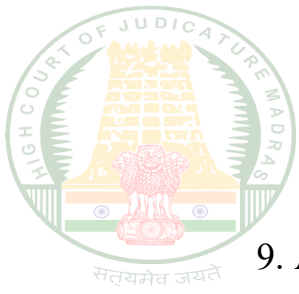
5. Learned counsel for petitioner would submit that though it is not set out in any communication/proceedings, however, orally it has been informed that since the petitioner's mother-in-law is 65 years, request for transplantation was withheld on this ground as well.



6. Learned counsel for petitioner would submit that donor is willing to co-operate and present herself before the competent Medical Board at Coimbatore for evaluation, agreed to by learned Additional Advocate General for first respondent.

7. This Court finds that Act does not prescribe any upper age limit and therefore, it may not be open to the authorities to read anything into the Act, which is not been expressly provided. As a matter of fact, this Court in WP No.40349 of 2025 vide order dated 02.12.2025, had granted permission to a donor, who is aged about 69 years, subject to the condition that she is found to be medically fit to undergo the above procedure.

8. This Court does not find any reason why a different view needs to be taken in the facts of the present case. In other words, all that is required to be examined is whether the donor is physically capable of undergoing the above procedure viz., renal transplantation. For such evaluation, it is open to the donor to present herself before the Medical Board, Coimbatore and the Board shall submit a report within a period of three days from the date of examination of donor to the second respondent, who would then proceed in accordance with law.



9. Accordingly, writ petition stands disposed of. No costs. Consequently,
connected miscellaneous petition is closed.

14-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
MRN

To

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2. The Chairman and Managing Director,
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Post Box No. 3209,
Avanashi Road,
Coimbatore.
3. The Medical Board, Coimbatore.



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WP No. 26741 of 202



MOHAMMED SHAFFIQ, J.

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WP No.26741 of 2026

14-07-2026