



W.P.(MD) No.16845 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2026

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.16845 of 2026

1.Mounish
2.Manikkam

... Petitioners

Vs.

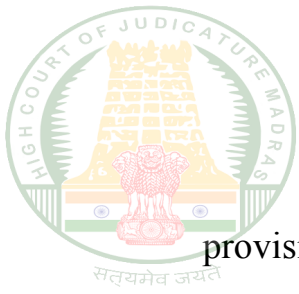
1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.

2.The Authorization Committee,
(Transplantation of Human Organs and Tissues),
Rep. by its Chairman,
Coimbatore,
Medical College Hospital, Trichy Road,
Coimbatore.

3.K.G.Hospital,
Rep. by its Chairman,
No.5, Government Arts College Road,
Coimbatore - 641 018.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the second respondent to approve and grant permission for kidney transplantation from the second petitioner/donor to the first petitioner's father Mahendran under the



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provisions of the Transplantation of Human Organs and Tissues Act, 1994 and consequently, direct the third respondent Hospital to undertake and perform the Kidney transplantation surgery on priority basis, within a time frame as may be stipulated by this Court.

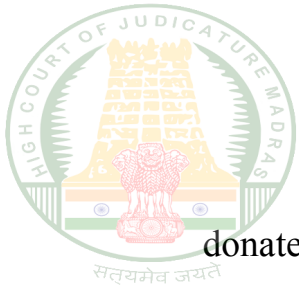
For Petitioners : Mr.S.Kumar

For R1 and R2 : Ms.P.Sudarkodi Natchiyar
Government Standing Counsel

ORDER

The petitioners have filed this Writ Petition seeking issuance of a Writ of Mandamus directing the second respondent to approve and grant permission for the transplantation of a kidney from the second petitioner (donor) to Mahendran, the father of the first petitioner, under the provisions of the Transplantation of Human Organs and Tissues Act, 1994 [hereinafter referred to as "the Act"], and consequently directing the third respondent Hospital to undertake and perform the kidney transplantation surgery on a priority basis within such time as may be stipulated by this Court.

2. It appears that the first petitioner's father, Mahendran, is suffering from a kidney ailment and that the second petitioner has come forward to

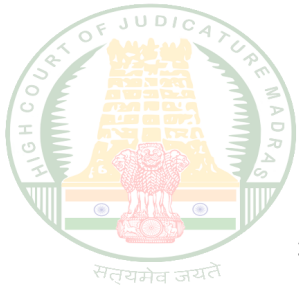


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donate one of his kidneys to him. It is submitted that, despite the request for approval of the kidney transplantation for treating the first petitioner's father, no steps have been taken.

3. The learned Standing Counsel for the respondents 1 and 2, on the other hand, submitted that kidney transplantation can be effected only where the donor and the recipient are near relatives within the meaning of Section 2(i) of the Act.

4. As a matter of fact, the issue is no longer *res integra* and is covered by the decision of this Court in **Sudha Mathesan and Balamani Sabapathi vs. The Authorisation Committee (Transplantation), represented by its Chairman, Coimbatore Medical College Hospital, Trichy Road, Coimbatore and another** [W.P.Nos. 13918, 13922, 13967 and 13969 of 2024, dated 30.05.2024]. This Court has exhaustively considered the scope of Section 9(3) of the Act and the provisions of the Rules framed thereunder, taking note of the decisions of this Court as well as other High Courts on the subject.



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5. In view of the above, I direct the second respondent to consider the petitioners' request expeditiously and dispose of the same as early as possible, preferably, within a period of seven days from the date of receipt of a copy of this order. Needless to state, it is open to the second respondent to call upon the petitioners to furnish such documents and credentials as may be necessary for passing appropriate orders.

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

NCC : Yes / No

06.07.2026

Note:- Issue order copy on 06.07.2026.

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To

- 1.The Secretary to Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.
- 2.The Chairman
Authorization Committee,
(Transplantation of Human Organs and Tissues),
Coimbatore,
Medical College Hospital, Trichy Road,
Coimbatore.



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3.The Chairman,
K.G.Hospital,
No.5, Government Arts College Road,
Coimbatore - 641 018.



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C.SARAVANAN, J.

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