



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.10515 of 2021

1. C.Rajaboopathy
2. R.Sundaravalli

.. Petitioners

Versus

1. The Authorisation Committee (Transplantation)
Rep. by its Chairman,
Directorate of Medical Education,
162, Poonamallee High Road,
Kilpauk, Chennai- 600 010.

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

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to grant approval for kidney transplantation on the petitioner's application dated 28.01.2021 submitted through second respondent to the first respondent without insisting the petitioners to submit the documents as required in first respondent's letter in Ref.No.011349/H&D 2/4/2021 dated 01.03.2021 and grant permission for Kidney transplantation from second petitioner to first petitioner and to do the transplantation surgery by the second respondent on the priority basis within the time to be stipulated by this Court.

For Petitioners : Mr.M.Manivasagam
For R1 : Mr. Stalin Abhimanyu,
Government Counsel

For R2 : Mrs.K.Sheha Priyadharshini

ORDER

The prayer made in this writ petition is to direct the first respondent to grant permission for Kidney transplantation from the second petitioner to the first petitioner, without insisting them to submit the documents as required in the first respondent's communication dated



2.It is the case of the petitioners that the first petitioner is suffering from end-stage renal failure. The Doctor recommended for surgical extraction and transplantation of new kidney in its place. The second petitioner being the second wife of the first petitioner, has voluntarily come forward to donate her kidney for transplantation. Accordingly, they approached the second respondent for surgery. By letter dated 28.01.2021, the second respondent submitted the required format enclosing all the necessary documents to the first respondent seeking approval for kidney transplantation. On receipt of the same, the first respondent conducted an enquiry with the petitioners on 01.03.2021, but did not give approval and they returned the papers through letter dated 01.03.2021 for want of certain documents, such as marriage registration certificate, etc. According to the petitioners, they do not possess the additional documents called for by the first respondent. Hence, finding no other options, they have preferred this writ petition with the aforesaid prayer.

4. On the other hand, the learned Government Counsel for the first respondent fairly submitted that the first respondent would consider the petitioners' application dated 28.01.2021 and pass orders, on merits, within a time frame to be stipulated by this court.

<https://hcservices.ecourts.gov.in/hcservices/>



accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6.This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

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To

The Chairman, Authorisation Committee (Transplantation)
Directorate of Medical Education,
162, Poonamallee High Road,
Kilpauk, Chennai- 600 010.

+1CC to Mr.M.Manivasagam, Advocate, SR.No. 51112

+1CC to The Government Pleader, SR.No. 51596

W.P.No.10515 of 2021

GPL(CO)

B.VC (01/11/2021)