



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.25633 of 2021

1.Mrs.Selvanayaki

2.Mrs. Kasthuri

...Petitioners

vs.

1. The Authorisation Committee (Transplantation)
Rep. By its Chairman,
Directorate of Medical Education,
No.162, Poonamallee High Road,
Kilpauk, Chennai-600 010.

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

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 25.09.2021 and pass orders in accordance with law and grant approval for kidney transplantation from the 2nd petitioner to the 1st petitioner and do the transplantation by the 2nd respondent on the priority basis within the stipulated time as may be fixed by this Hon'ble Court.

For Petitioner : M/s.D.Venkatachalam

For Respondent R1 : C.Sangamithirai
Special Government Pleader

For Respondent R2 : No Appearance

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondents to consider the petitioners' representation dated 25.09.2021 and to pass appropriate orders as expeditiously as possible.



3. The case of the petitioners is that the 1st petitioner is affected with end stage renal failure and has to undergo dialysis twice a week. The petitioner is taking treatment and she was recommended surgical extraction and transplantation of new kidney. Since the blood group of the family members are not suitable and are not coming forward for kidney transplantation, the second petitioner, one of her family friend, came forward voluntarily to donate kidney and the petitioners herein have approached K.G. Hospital at Coimbatore and the doctors have examined both of them and on conclusion the doctor confirmed that the 2nd petitioner is fit for donating kidney and she can donate it to the 1st petitioner.

5. Learned counsel appearing for the Petitioners submitted that the 1st petitioner is affected with end stage renal failure and suffering from heavy pain and is becoming weaker day by day. He submitted that without going into the merits of the case, it would suffice if this court issues directions to the respondents to consider the petitioners' representation dated 25.09.2021 and pass appropriate orders in accordance with law within the time stipulated by this Court.

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pass appropriate orders in accordance with law within the time stipulated by this Court.

7. In view of the above submissions, since the petitioners have not complied with the proceedings for kidney transplantation from non-related donor, the 2nd respondent has not forwarded the petitioners' request. Hence this Court is inclined to issue direction to the 1st petitioner to comply the legal procedure as per the Transplantation Act for kidney transplantation from non-blood related donor within a period of two weeks from the date of receipt of a copy of this order. If such rectified form is received, the 2nd respondent is directed to forward the medical records to the 1st respondent within a period of three weeks from the date of such compliance. Thereafter, the 1st respondent is directed to consider the petitioners' representation and pass appropriate orders in accordance with law within a period of four weeks thereafter.

8. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition if any, is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

skt

To:

1. The Authorisation Committee (Transplantation)
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Directorate of Medical Education,
No.162, Poonamallee High Road,
Kilpauk, Chennai-600 010.
2. The K.G.Hospital,
Rep. By its Chairman,
No.5, Govt. Arts College Road,
Coimbatore-641 018.

+1cc to M/s.D.Venkatachalam, Advocate, S.R.No.63277

+1cc to the Government Pleader, S.R.No.63780

W.P.No.25633 of 2021

RGN(CO)

RGA(23/12/2021)