



WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No. 24025 of 2021

1. D.Sivagamisundari

2. L.Ponnusamy

.. Petitioners

Versus

1. The Authorisation Committee,
(Transplantation)
Rep. by its Commissioner,
Directorate of Medical Education,
162, Poonamallee High Road,
Kilpauk, Chennai-10.

2. The Chairman,
KG Hospital,
No.5 Government Arts College Road,
Coimbatore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 & 2 to consider the representations dated 21.09.2021, 23.09.2021 and 07.10.2021 and pass orders in accordance with law and grant approval for Kidney Transplantation from second petitioner to the first petitioner and to do the Transplantation by the second respondent on the top priority basis within the time stipulated by this Court.

For Petitioners : Mr.D.A.Sugumar

For Respondents : Mr. R.Gokulkrishnan (For R2)
Government Advocate

ORDER

The present petition has been filed for grant of approval for Kidney Transplantation by directing respondent Nos. 1 and 2 to consider and pass orders on representations dated 21.09.2021, 23.09.2021 and 07.10.2021 submitted by the Petitioners.

2. The first petitioner, who is aged about 55 years, has



affected with kidney problem and her two kidneys were completely damaged. Due to which, she is undergoing dialysis twice a week. The Doctor, who treated her, strongly recommended for surgical extraction and transplantation of new kidney in its place. Under these circumstances, the second petitioner, who is friend of the first petitioner's family and also well wisher, has voluntarily come forward to donate his one kidney for transplantation of the first petitioner. However, the second respondent rejected the petitioners' request vide letter dated 13.05.2021 on the ground that the petitioners being not related by birth and are unrelated by Transplantation of Human Organs Act, 2014. Hence, the petitioners made repeated representations on 21.09.2021, 23.09.2021 and 07.10.2021 to the second respondent. Till date, the second respondent /Hospital has not considered the petitioners' representations. In view of that, the petitioners have filed the present Writ Petition before this Court.

3. The learned counsel for the petitioners submitted that this Court may issue a direction to the first respondent to consider the petitioner's representations dated 21.09.2021, 23.09.2021 and 07.10.2021 within a stipulated time as fixed by this Court.

4. The learned Government Advocate submitted that the first respondent has sent information dated 12.11.2021 stating that the application along with the enclosures (as per check list prescribed) seeking permission for renal transplantation) for Organ transplantation should be received through the Hospital, in which the Organ transplantation has to be carried out. In this case, the hospital has not submitted any application in respect of the first petitioner for approval of kidney transplantation to the Authorisation Committee, Office of the Director of Medical Education, Kilpauk, Chennai.

5. The learned Government Advocate further submitted that if the hospital would send an application for approval of kidney transplantation, it will be considered in accordance with law. The Government Advocate also submitted that he is ready to forward the checklist to the learned counsel for the petitioners Counsel, if required.

6. Heard the learned counsel for the petitioners and the learned counsel for the respondents, and perused the materials placed on record.

7. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel appearing for either side, this court directs the petitioners to send a fresh representation along with copies of enclosures within a period of two weeks from the date of receipt of a copy



of this order, (as per the check list prescribed) to the second respondent, who in turn, shall forward the application to the first respondent. After receipt of such application, the first respondent is directed to consider the same and pass appropriate orders in accordance with law within a period of two weeks, thereafter.

8. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Rli

To

1. The Commissioner,
Authorisation Committee,
(Transplantation)
Directorate of Medical Education,
162, Poonamallee High Road,
Kilpauk, Chennai-10.
2. The Chairman,
KG Hospital,
No.5 Government Arts College Road,
Coimbatore.

+1cc to the Government Pleader, S.R.No.58994

W.P.No. 24025 of 2021

RGN(CO)
SB(08/12/2021)