



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25041 of 2021

1.Mr.N.Subramaniyan
2.Mrs.S.Tamilarasi

... Petitioners

Vs.

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

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing respondents 1 and 2 to consider the petitioners' representation dated 21.09.2021 and pass orders in accordance with law and grant approval for Kidney transplantation from 2nd petitioner to 1st petitioner and to do the transplantation by the 2nd respondent on the priority basis within the time to be stipulated by this Hon'ble Court.

For Petitioners : M/s.M.Manivasagam Associates

For Respondents : Mr.U.Baranidharan for R1
Additional Government Pleader
Ms.Elizabeth Seshadri for R2

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus directing respondents 1 and 2 to consider the petitioners' representation dated 21.09.2021 and to pass orders in accordance with law and to grant approval for Kidney transplantation from second petitioner to first



petitioner and to do the transplantation by the second respondent on the priority basis within the time to be stipulated by this Court.

2.The case of the petitioners is that the first petitioner is affected with kidney problem and the Doctors have strongly recommended surgical extraction and transplantation of new kidney. The second petitioner out of love and affection and due to strong outstanding association with the first petitioner's family has come forward to donate her kidney. The second respondent vide letter dated 11.09.2021 rejected to grant approval for kidney transplantation and aggrieved by the same, the petitioners sent representation to the respondents on 21.09.2021 and since no orders were passed, the petitioners have filed this writ petition.

3.The learned counsel appearing for the petitioners would submit that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to pass appropriate orders on the petitioners representation, within a reasonable time frame.

4.Mr.U.Baranidharan, learned Additional Government Pleader takes notice on behalf of the first respondent and produced copy of the status report filed by the first respondent, wherein it is stated that the application for Organ Transplantation along with the enclosures has been received from the Hospital on 15.11.2021, approval of renal transplantation for the patient will be placed before the Committee, based on the merits of the case.

5.This Court also heard the submissions of Ms.Elizabeth Seshadri, learned counsel who takes notice on behalf of the second respondent.

6.In view of the status report filed by the first respondent, this Court directs the respondents to pass appropriate orders on the petitioners' representation dated 21.09.2021, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7.The writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



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To

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

+lcc to Mr.M.Manivasagam Associates, Sr No.60368
+lcc to the Government Pleader Sr No.60671

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GPL (CO)
PR (03/12/2021)