



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.25100, 25104, 25108 & 25111 OF 2021
&
W.M.P.NO. 26445, 26451, 26457, 26458 OF 2021

1.M.Ganesh Kumar
2.A.Vijaya Kumar ...Petitioners in W.P.No.25100 of 2021

1.Mr.B.Prabakaran
2.Mrs.S.Sudha ...Petitioners in W.P.No.25104 of 2021

1.Mr.Sanjay Simon
2.Mrs.Gracey ...Petitioners in W.P.No.25108 of 2021

1.Loganathan
2.Mr.Ramesh ...Petitioners in W.P.No.25111 of 2021

-Vs-

1.The Authorisation committee (Transplantation)
Rep by its Chairman,
Directorate of Medical Education,
162, Poonamallee High Road,
Kilpauk, Chennai - 600010

2.K.G.Hospital
Rep by its Chairman
No.5, Government Arts College Road
Coimbatore - 641 018 ...Respondents in all WPs

W.P.No.25100 of 2021 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing Respondents 1 and 2 to consider the petitioners' representation dated 16.11.2021 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 Honble Court.

W.P.No.25104 of 2021 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing 2nd Respondent to forward the petitioners'



Medical Records and necessary documents in the prescribed form to the 1st Respondent and the 1st Respondent to scrutinise the same either through physical hearing or through virtual hearing and grant approval for kidney transplantation from 2nd petitioner to 1st petitioner and to do the transplantation by the 2nd representation dated 13.11.2021 within the time to be stipulated by this Honble Court.

W.P.No.25108 of 2021 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus Directing 2nd Respondent to forward the petitioners' Medical Records and necessary documents in the prescribed form to the 1st Respondent and the 1st Respondents to scrutinise the same either through physical hearing or through virtual hearing 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 on the basis of the petitioners representation dated 11.11.2021 within the time to be stipulated by this Honble Court.

W.P.No.25111 of 2021 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus Directing Respondents 1 and 2 to consider the petitioners' representation dated 15.11.2021 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 : Mr.M.Manivasasam

For Respondents : Mr.V.Baranidharan
Additional Government Pleader

O R D E R

These writ petitions were filed seeking issuance of writ of Mandamus to direct the 2nd respondent to forward the medical records and necessary documents of the petitioners to the 1st respondent for kidney transplantation and to consider the petitioner's representation within the time stipulated by this Court.

2. Since no adverse order is being passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

3. The case of the petitioner is that the petitioner is the only bread winner of his family and is effected with kidney problem end stage renal failure and has to undergo dialysis twice a week. The petitioner is taking treatment and he 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 his 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 diagnosed that the 2nd petitioner is fit for donating kidney and he can donate it to the 1st petitioner.

4. It is further submitted that the hospital authorities vide letter dated 1.11.2021 rejected the 1st petitioner's request, due to some legal requirements and further advised the 1st petitioner to get order from the Court. Thereafter, the petitioner made a representation to the respondents on 16.11.2021 requesting the 2nd respondent to forward the petitioner's medical report to the 1st respondent and to consider and grant approval of kidney donation and transplantation. However, till date there was no action was taken by the respondents. Hence this writ petition

5. Learned counsel appearing for the Petitioner submitted that the 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 1st respondents to consider the petitioner's representation dated 16.11.2021 and pass appropriate orders in accordance with law within the time stipulated by this Court.

6. Learned counsel appearing for the Respondent submitted that the petitioner's representation was rejected on the ground that the 2nd respondent hospital has gone through the medical history of the petitioner and document submitted by him and since the donor is not blood related there are some legal procedure for non-related donor and the petitioner has to file a separate application and the same was not complied by the petitioner. However the 2nd respondent submitted that the petitioner is medically fit for transplantations.

7. In view of the above submissions, since the petitioner has not complied with the proceedings for kidney transplantation from non-related donor, the 2nd respondent has not forwarded the petitioner's request. Hence this Court is inclined to issue direction to the petitioner to comply the legal procedure for kidney transplantation from non-blood related donor. If such rectified form is received, the 2nd respondent is directed to forward the medical records to the 1st petitioner within a period of 2 weeks from the date of such compliance. Thereafter, the 1st respondent is directed to consider the petitioner representation



and pass appropriate orders in accordance with law within a period of 4 weeks thereafter. W.P. Disposed of in the above terms.

WEB COPY

Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

sha

To

1.The Chairman,
The Authorisation committee (Transplantation)
Directorate of Medical Education,
162, Poonamallee High Road,
Kilpauk, Chennai - 600010

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

+4ccs to M/s.Manivasagam Associates SR.Nos.60967, 60968, 60969,
60970

+1cc to the Government Pleader SR.No.61470, 61472

W.P.No.25100, 25104, 25108 & 25111 of 2021
&
W.M.P.No. 26445, 26451, 26457, 26458 of 2021

KG(CO)
RVM(20/12/2021)