

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.18142 of 2021

ORDER :

This writ petition is filed seeking to declare the proceedings dated 30.07.2021 of the 1st respondent, rejecting the appeal filed by the petitioners against the rejection of their application for permission for kidney transplantation, as illegal, arbitrary and against the principles of natural justice, and consequently, direct respondents 1 and 3 to accord permission to the 1st petitioner for kidney transplantation from the donor i.e. the 2nd petitioner.

2. Heard learned counsel for petitioners as well as the learned Government Pleader for Medical and Health and perused the record.

3. The 1st respondent-appellate authority, inspite of specific directions from this Court on earlier occasion in W.P.No.15005 of 2021 and also in W.P.No.16184 of 2021, has once again, passed the impugned order without application of mind. Except incorporating the orders of this Court and the judgment of Apex Court in Appeal (Civil) No.156 of 2005 [*Kuldeep Singh v. State of Tamil Nadu*], and discussion on the Act, the factual aspects have not been dealt with in the impugned order and the appellate authority has not appreciated the fact as to whether there is any monetary transaction between the donor and the recipient, despite the specific affidavit and denial made by them to that effect.

4. In view of the above, the impugned order is set aside and this writ petition is disposed of with a direction to respondent Nos.1 and 3 to forthwith grant permission for kidney transplantation of the 1st petitioner from the donor i.e. the 2nd petitioner. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

T. AMARNATH GOUD, J.

Date: 04.08.2021

N.B :

Office to forthwith communicate this order to the respondents.

(b/o)

ajr