

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Civil Writ Petition No. 15623 of 2021

Date of Decision: August 23 , 2021.

Himanshu Sharma and others

..... PETITIONER (s)

Versus

Union of India and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Berjeshwar S.Jaswal, Advocate
for the petitioners.

Mr. Satya Pal Jain, Sr.Advocate
Additional Solicitor General of India with
Ms. Shweta Nahata, Advocate
for respondent No.1.

Ms. Madhu Dayal, Advocate
for respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this writ is for direction to the respondents to carry out the kidney transplant of petitioner No.1 while permitting petitioner No.5 to donate his kidney to petitioner No.1. Petitioner No.5, it is stated, is not a relative of petitioner No.1, but the donation is permissible under the

Transplantation of Human Organs and Tissues Act, 1994 (for short, the 'Act')

after it is approved by the Authorization Committee.

Written statement on behalf of respondent No.2 has been circulated in the Whatsapp group created for the purpose of Video Conferencing. Print out be taken and attached with the file.

Learned counsel for respondent No.2 submits that, in fact, proper application in the prescribed form under the Statute has not even been submitted by the petitioner, therefore, there can be no decision by the Authorization Committee constituted under the Act.

In response, learned counsel for the petitioners is unable to deny that though representations were doubtlessly submitted but necessary application in the form as stipulated under the Act and Rules framed thereunder has not been submitted. In this view of the matter, learned counsel for the petitioners submits that necessary application shall be submitted in the prescribed form within one week from today.

In case such an application is received by respondent No.2, the same be considered and a final decision be taken thereon by the Authorization Committee, expeditiously and preferably within two weeks thereafter.

Writ petition is accordingly disposed of.

August 23, 2021.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No