



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.295 of 2022

and

W.M.P.No.324 of 2022

1.R.Chitra

2.S.Uma Maheshwari

...Petitioners

Vs.

1. K.G.Hospital

Rep by its Chairman

No. 5, Government Arts College Road

Coimbatore - 641 018

2. The Authorisation committee (Transplantation)

Rep by its Chairman,

Directorate of Medical Education,

162, Poonamallee High Road,

Kilpauk, Chennai - 600010

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioners' representation's dated 06.12.2021 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 1st respondent on the priority basis within the time to be stipulated by this Honourable Court.

For Petitioners : M/s.M.Manivasagam Associates

For Respondent R1 : Mr.P.Rajaji

For Respondent R2 : Mr.C.Jeyaprakash
Government Advocate

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus to direct the 1st and 2nd respondents to consider the petitioners' representations dated



2. The case of the petitioners is that the 1st petitioner is affected with end stage renal failure and has to undergo dialysis thrice a week and the petitioner is taking treatment regularly and she was recommended surgical extraction and transplantation of new kidney. However, the blood group of the family members of the 1st petitioner are not suitable and are not coming forward for kidney transplantation. While being so, the 2nd petitioner, who is the family friend of the 1st petitioner, voluntarily came forward to donate kidney for transplantation. Hence, the petitioners herein have approached K.G. Hospital at Coimbatore and the doctors have examined both the petitioners and on conclusion they have issued a certificate dated 04.05.2021 stating that the petitioners are medically fit for transplantation. However, the 1st respondent rejected the petitioners' request for kidney transplantation, solely on the ground that the petitioners are not relation by blood. Therefore, the petitioners made representations before the 1st respondent on 06.12.2021 requesting to forward the medical records to the 2nd respondent at the earliest to get approval for kidney transplantation and on the same day, they have also sent representations to the 2nd respondent to scrutinize the medical records of the petitioners and grant permission for kidney transplantation. However, till date no action was taken by the respondents. Hence this writ petition.

4. The learned counsel appearing for the 1st Respondent submitted that the entire medical records submitted by the petitioners for kidney transplantation were already forwarded to the 2nd respondent, however, the 2nd respondent has not issued any further orders for proceeding with the kidney transplantation. Hence, he submitted that, this Court may issue direction to the 2nd respondent to consider the petitioners' representations dated 06.12.2021 and to pass appropriate orders in accordance with law within the time stipulated by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>



the relevant rules, then the petitioners' representations will be considered in accordance with law and appropriate orders will be passed within the time frame fixed by this Court.

6. In view of the above submissions, this Court without going in to the merits of the case issues direction to the 2nd respondent to consider the petitioners' representations dated 06.12.2021 in accordance with law and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

skt

To

1. The Chairman,
K.G.Hospital,
No. 5, Government Arts College Road,
Coimbatore - 641 018.
2. The Chairman,
The Authorisation committee (Transplantation),
Directorate of Medical Education,
162, Poonamallee High Road,
Kilpauk, Chennai - 600 010.

+1cc to M/s.Manivasagam Associates, Advocate, S.R.No.2512

+1cc to the Government Pleader, S.R.No.2754

W.P.No.295 of 2022
and
W.M.P.No.324 of 2022

GJ(CO)
SU(25/01/2022)