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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.16269 of 2022

1.Dr.J.Vigneswaran
2.Mahalakshmi

... Petitioners

vs.

1.G.Kuppurswamy Naidu Memorial Hospital,
Rep. By its CEO,
Post Box No.6327, Nethaji Road,
Pappanaickam Palayam,
Coimbatore - 641 037.

2.The Authorization Committee (Transplantation).
Rep. By its Chairman,
Director of Medical Education,
Residing at No.162, Poonamallee High Road,
Kilpauk, Chennai - 600 110.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the respondents 1 & 2 to consider the petitioner's representation dated 09.06.2022 and pass orders in accordance with law and grant approval for kidney transplantation from second petitioner to first petitioner and to do the transplantation by the first respondent on the priority basis within the time to be stipulated by this Court.

For Petitioners : Mr.K.Chandru

For Respondents : Mr.J.Ravindran,
Additional Advocate General,
Assisted by Mr.T.Seenivasan,
Special Government Pleader

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents 1 & 2 to consider the petitioners' representation dated 09.06.2022 seeking for grant of approval for Kidney Transplantation from the second



petitioner to the first petitioner and to do the transplantation by the first respondent on priority basis within a time frame to be fixed by this Court.

2. Heard Mr.K.Chandru, learned counsel for the petitioner and Mr.J.Ravindran, learned Additional Advocate General appearing for the respondents.

3. As seen from the affidavit filed in support of this petition, the first respondent requires immediate kidney transplantation. According to the first petitioner, none of his near relatives match his kidney requirements. According to the first petitioner, the second petitioner who is his family friend residing in the very same locality has volunteered to give her kidney on donation to the first petitioner. The medical reports of both the petitioners are filed in the typed set of papers. As per the Transplantation of Human Organs and Tissues Act, the petitioners will have to get the permission from the second respondent wherever the donor is not a family member to the donee as in the present case. The petitioners have given three representations dated 09.06.2022 to the respondents seeking permission for kidney transplantation. Since the said representations have not been considered till date, this writ petition has been filed.

4. Learned Additional Advocate General on instructions would submit that the representations given by the petitioners have not been received by the second respondent. According to him, there will be sitting of the second respondent on every Friday. He would also submit that if an application is submitted by the petitioners seeking for permission to the second petitioner to donate her kidney to the first petitioner for the purpose of transplantation, the same will be considered on merits and in accordance with law on 01.07.2022 i.e., the date of next sitting of the second respondent and appropriate orders will be passed immediately thereafter. The said statement is recorded. Learned counsel for the petitioners is also agreeable to the submission made by the learned Additional Advocate General.

5. After recording the submissions made by the respective counsels, this court directs the petitioners to submit a fresh application to the second respondent seeking permission for the second petitioner to donate her kidney to the first petitioner who requires immediate kidney transplantation by 28.06.2022 (today) before 5.00 p.m. On receipt of the said application, the second respondent shall pass final orders granting permission to the second petitioner to donate her kidney to the first petitioner on 01.07.2022. On receipt of permission, the first respondent is directed to perform the kidney transplantation at the earliest.



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6. With the aforesaid directions, this writ petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.G.Kuppurswamy Naidu Memorial Hospital,
Rep. By its CEO,
Post Box No.6327, Nethaji Road,
Pappanaickam Palayam,
Coimbatore - 641 037.

2.The Chairman,
Authorization Committee (Transplantation).
Director of Medical Education,
Residing at No.162, Poonamallee High Road,
Kilpauk, Chennai - 600 110.

+1 CC to Mr.K.Chandru, Advocate sr 40134.
+1 CC to The Government Pleader sr 41117(01/07/2022)

W.P.No.16269 of 2022

SV(CO)
SP(28/06/2022)