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W.P.No.29100 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.29100 of 2022

Yeswanth Rao

...Petitioner

Vs.

1.State of Tamilnadu,
Rep. by its Secretary,
Department of Health and Family Welfare,
Secretariat, Fort St. George,
Chennai - 600 009.

2.Authorization Committee (Transplantation),
Represented by its Chairman,
Directorate of Medical Education,
162, Poonamalee High Road,
Kilpauk, Chennai - 600 010.

3.SRM Institutes for Medical Science (SIMS),
No.1, Jawaharlal Nehru Salai
(100 Ft. Road), Vadapalani,
Chennai - 600 026.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st and 2nd respondents to grant immediate approval and permission to the petitioner by allowing Mrs.Revathi Bai to be the donor for the urgent liver transplant surgery to be performed by the 3rd respondent on the petitioner.



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For Petitioner : Mr.K.P.Sanjeev Kumar
for Mr.P.Shiva

For R1 & R2 : Mr.U.M.Ravichandran,
Special Government Pleader

ORDER

The prayer sought for is for a Writ of Mandamus directing the 1st and 2nd respondents to grant approval and permission to the petitioner by allowing Mrs.Revathi Bai to be the donor for the urgent liver transplant surgery to be performed by the 3rd respondent on the petitioner.

2. The petitioner has to undergo liver transplantation surgery and his sister-in-law one Mrs.Revathi Bai is the donor. The said surgery is urgently needed to save the life of the petitioner. Therefore, he has already given an application to that effect to the second respondent, who is the authorizing committee who has to evaluate the application and give such permission. Even though such an application has already been submitted to the second respondent, so far the application has not been considered. Therefore, for directing the respondents in taking a decision to permit the petitioner to take the liver from the donor and perform the surgery in the third respondent Hospital, the petitioner, in order to seek for a direction by way of a Mandamus, has approached this Court.



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WEB COPY 3. Reiterating the aforestated, Mr.K.P.Sanjeev Kumar, learned counsel appearing on behalf of the petitioner seeks indulgence of this Court.

4. Mr.U.M.Ravichandran, learned Special Government appearing for the respondents 1 and 2, on instructions, would submit that the second respondent committee is having the meeting on 11.11.2022 and on that day, the application of the petitioner also would be considered and a decision would be taken. But, in this regard, one set of papers filed along with the application by the petitioner can once again be forwarded to the committee, so that a ready reference can be made out of it and a quick decision can be taken by the second respondent committee on the date of the meeting itself.

5. I have considered the said submissions made by both sides and have perused the materials placed before this Court.

6. In view of the said submission and having regard to the aforesaid facts and due to the urgency, this Court feels that this Writ



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Petition could be disposed of with the following orders:-

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(a) There shall be a direction to the second respondent to evaluate the application already submitted by the petitioner seeking permission for liver transplantation surgery to be undertaken by the petitioner at the third respondent Hospital, for whom the sister-in-law of the petitioner one Mrs.Revathi Bai would be the donor.

(b) The said application, on consideration, shall be decided on the same day itself and a decision to that effect shall be communicated to the petitioner forthwith.

(c) Enabling the second respondent committee to take a quick decision, one set of papers along with the application already submitted by the petitioner shall be forwarded to the second respondent forthwith by the petitioner and on receipt of the same, the second respondent committee shall do the needful, as indicated above.

7. With these directions, the Writ Petition is disposed of. No costs.

07.11.2022

Index:Yes/No

Speaking order/Non-speaking order

hvk

Note: Issue order copy today, i.e. 07.11.2022

<https://www.mhc.tn.gov.in/judis>



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- 1.The Secretary,
State of Tamilnadu,
Department of Health and Family Welfare,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The Chairman,
Authorization Committee (Transplantation),
Directorate of Medical Education,
162, Poonamalee High Road,
Kilpauk, Chennai - 600 010.



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R. SURESH KUMAR, J.

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