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W.P.No.2642 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM

THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.2642 of 2023

1. A.Kumaresan

2. D.Sambath Kumar

... Petitioners

Versus

1. K.G.Hospital

Rep. by its Chairman

No.5, Govt. 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 – 600 010.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to forward the petitioner's Medical Records and necessary documents in the prescribed form to the 2nd respondent and the 2nd respondent to scrutinize the same 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 on the basis of



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the petitioner's representation dated 03.11.2022 within the time to be stipulated by this Court.

For Petitioners : Mr.M.Manivasagam Associates

For R1 : Ms.Saranya
For Iyer and Thomas

For R2 : Mrs.Geetha Thamarai Selvam,
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Writ of Mandamus seeking a direction against the 2nd respondent primarily to scrutinize the papers which had already been forwarded by the 1st respondent relating to the donation of a kidney by the 2nd petitioner to the 1st petitioner.

2. The petitioners are not relatives. However, the 2nd petitioner had come forward to donate one of his kidneys for the benefit of the 1st petitioner herein.



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3. The operation is to be done by the 1st respondent. The 1st respondent had given a Certificate that the kidney actually matches, but permission will have to be obtained from the 2nd respondent.

4. The relevant records had been forwarded to the 2nd respondent. An obligation is placed on the 2nd respondent to examine the papers and pass necessary orders in accordance with the rules and regulations on or before 10.02.2023.

5. A short date is given to the 2nd respondent owing to the fact that the patient cannot be made to wait for an administrative decision to be taken by the 2nd respondent and it is only imperative that they should take a decision immediately.

6. They may follow any procedure prior to taking any decision including getting an opinion from the 1st respondent and also examining whether the 2nd respondent had given his consent and whether close relatives of the 2nd respondent had also given their 'No Objection' for



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such donation of kidney.

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7. All these factors may be examined but order should be passed on or before 10.02.2023.

8. Holding as above, the Writ Petition stands disposed of. No order as to costs.

02.02.2023
(1/2)

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Index : Yes/No

Internet : Yes/No

Neutral Citation Case: Yes/No

To:

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C.V.KARTHIKEYAN,J.



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