



W.P.No.20385 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

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MR.JUSTICE N.SESHASAYEE

W.P.No.20385 of 2023
and W.M.P.No.19746 of 2023

1.S.Srinivasan
2.T.Kannan

... Petitioners

Vs.

1.G.Kuppuswamy 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,
Kipauk, Chennai-600 110.

... Respondents

PRAYER: The writ 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 petitioner's representation dated 16.06.2023 and pass orders in accordance with law and grant approval for kidney transplantation from 2nd



W.P.No.20385 of 2023

petitioner to 1st petitioner and to do the transplantation by the 1st respondent on the priority basis within the time stipulated by this Court.

For Petitioners : Mr.K.Chandru

For Respondents : Mr.C.Kathiravan
Special Government Pleader
for R2 and R3

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.This Court *suo motu* impleads the Authorization Committee (Organ Transplantation) represented by its Dean, Coimbatore Medical College and Hospital, Coimbatore, as the third respondent.

3.Learned Special Government Pleader appearing for the respondents 2 and 3 informs the Court that the 1st respondent is yet to submit all the relevant papers to the Authorization Committee.



W.P.No.20385 of 2023

4.Learned counsel for the petitioners, on instruction informs the Court that the said statement is correct and submitted that since the 1st petitioner has taken treatment in multiple medical facility, the 1st respondent is now consolidating all the information it has received for forwarding the same to the Authorization Committee.

5.This Court directs the 1st respondent to forward the papers to the 3rd respondent, and upon receipt of the said papers, the 3rd respondent would take a decision on the same within a period of two (2) weeks thereafter.

6.This writ petition is accordingly disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.

12.07.2023

Anu

Index : Yes / No

Neutral citation : yes/no

Note to office:Issue order copy on 14.07.2023



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W.P.No.20385 of 2023

N.SESHASAYEE, J.
Anu

To

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

W.P.No.20385 of 2023
and W.M.P.No.19746 of 2023

12.07.2023



W.P.No.20385 of 2023

W.P. No.20385 of 2023

WEB C N.SESHASAYEE.J.,

This petition is filed under the caption 'for being mentioned' as required by the counsel for the petitioner.

2. On 12.07.2023, this Court passed the following order :

"By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.This Court suo motu impleads the Authorization Committee (Organ Transplantation) represented by its Dean, Coimbatore Medical College and Hospital, Coimbatore, as the third respondent.

3.Learned Special Government Pleader appearing for the respondents 2 and 3 informs the Court that the 1st respondent is yet to submit all the relevant papers to the Authorization Committee.

4.Learned counsel for the petitioners, on instruction informs the Court that the said statement is correct and submitted that since the 1st petitioner has taken treatment in multiple medical facility, the 1st respondent is now consolidating all the information it has received for forwarding the same to the Authorization Committee.



W.P.No.20385 of 2023

5.This Court directs the 1st respondent to forward the papers to the 3rd respondent, and upon receipt of the said papers, the 3rd respondent would take a decision on the same within a period of two (2) weeks thereafter.

6.This writ petition is accordingly disposed of. No Costs. Consequently, the connected miscellaneous petition is closed."

3. The confusion now entertained is over which Tahsildar needs to issue the certificate of relationship that the donor and the recipient of kidney are friends. It is now ascertained that the Tahsildar, Guindy is required to issue the said certificate. Accordingly, this Court *suo motu* impleads Tahsildar, Guindy, as the 4th respondent.

4. Mr.C.Kathiravan, learned Special Government Pleader takes notice for the newly impleaded 4th respondent, and makes a statement on instructions, subject to compliance of the requirements, the 4th respondent would be issuing the necessary relationship certificate. The said statement is recorded.



W.P.No.20385 of 2023

5. Registry is required to incorporate the *suo-motu* impleaded 4th respondent.

However, for the sake of convenience, the order dated 12.07.2023 in W.P.No.20385 of 2023, is reproduced below after necessary corrections :

"By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.This Court suo motu impleads (i) the Authorization Committee (Organ Transplantation) represented by its Dean, Coimbatore Medical College and Hospital, Coimbatore, as the third respondent; and (ii) The Tahsildar, Guindy, as the 4th respondent. Mr.C.Kathiravan, learned Special Government Pleader takes notice for respondents 2 to 4.

3. Learned Special Government Pleader appearing for the respondents 2 and 4 informs the Court that the 1st respondent is yet to submit all the relevant papers to the Authorization Committee. He also makes a statement on instructions, subject to compliance of the requirements, the 4th respondent would be issuing the necessary relationship certificate. The said statement is recorded.

4.Learned counsel for the petitioners, on instruction informs the Court that the said statement is correct and submitted that since the 1st petitioner has taken treatment in multiple medical facility, the 1st



W.P.No.20385 of 2023

respondent is now consolidating all the information it has received for forwarding the same to the Authorization Committee.

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5.This Court directs the 1st respondent to forward the papers to the 3rd respondent, and upon receipt of the said papers, the 3rd respondent would take a decision on the same within a period of two (2) weeks thereafter.

6.This writ petition is accordingly disposed of. No Costs. Consequently, the connected miscellaneous petition is closed."

6. Registry is now required to issue a correct copy of the order to the counsel for the petitioner, at free of costs.

15.09.2023

ds

Note : Issue order copy on 20.09.2023



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W.P.No.20385 of 2023

N.SESHASAYEE.J.,

ds

W.P. No.20385 of 2023

15.09.2023