



WEB COPY



W.P.No.26380 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.26380 of 2023
& WMP.No.25796 of 2023

1.A.Karthikeyan
2.Sowndaraj

...Petitioners

-Vs-

1.The Secretary to the Government,
Health & Family Welfare Department,
Secretariat, Fort St.George,
Tamilnadu.

2.The Authorisation Committee (Organs Transplantation),
Directorate of Medical Education,
Poonamallee High Road,
Kilpauk, Chennai – 600 010.

3.VPS Lakeshore Hospital & Research Centre Ltd,
XVI/612, Maradu,
Nettoor Post,
Kochi – 682 040,
Kerala State.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 1st & 2nd respondent to grant No Objection Certificate to undergo Kidney Transplantation in the 3rd



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respondent hospital by appreciating the above stated facts and circumstances.

For Petitioner : Mr.M.Guruprasad
For R1 & R2 : Mr.V.Manoharan,
Additional Government Pleader

ORDER

The first petitioner herein seeks a renal transplantation and his donor is the second petitioner. They have chosen to have the surgery done in the third respondent hospital at Kochi, Kerela State. When they approached the third respondent hospital, it required a NOC from the Authorization Committee(Organ Transplantation) in Tamil Nadu.

2.Mr.V.Manoharan, learned Additional Government Pleader takes notice for the respondents 1 and 2

3.The learned Additional Government Pleader circulated a written instruction of the Director of Medical Education/second respondent and submitted that the Principal Secretary to Government, Health and Family Welfare & Ayush Department, Government of Kerala in D.O.No.B1-35-



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2023-Health, dated 24.03.2023 has addressed a communication to the Government of Tamil Nadu that no NOC for organ donation and transplantation to be done outside the jurisdiction of Tamil Nadu be issued.

4.The learned counsel for the petitioner however, submitted that both the first petitioner and the donor/second petitioner would be appearing before the Authorization Committee in Kerala and since the third respondent hospital insisted for a NOC from the Authorization Committee in Tamil Nadu, he is before this Court.

5.Inasmuch as the Authorization Committee(Organ Transplantation) in Tamil Nadu is not issuing NOC any longer for organ transplantation to take place outside the State, it is only appropriate that the petitioner approach the concerned Authorization Committee in Kerela. After all, an NOC from the Authorization Committee from Kerala should satisfy the requirements of Transplantation of Human Organs and Tissues Act, 1994 and the Transplantation of Human Organs and Tissues Rules, 2014.



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6.The Writ Petition is disposed of accordingly. No costs. Consequently,
the connected miscellaneous petition is closed.

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Index : Yes/No

Internet : Yes/No

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N.SESHASAYEE, J.,

Tsg

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