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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9306 of 2024

1.Swaminathan Kasan

2.Mr.Ramu Thangavelu

... Petitioners

Vs.

1.The Authorisation Committee (Transplantation)

Rep by its Chairman,
Coimbatore Medical College Hospital,
Trichy Road,
Coimbatore.

2.K.G.Hospital,

Rep. By its Chairman,
No.5, Government Arts College Road,
Coimbatore - 641 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioners' representation dated 20.02.2024 and pass orders in accordance with law and grant approval for Kidney Transplantation from 2nd petitioner to 1st petitioner and to do the Transplantation by the 2nd respondent on the priority basis.



For Petitioners : Mr.M.Manivasagam
For M/s.Manivasagam Associates

For R1 : Mr.K.Tippu Sulthan
Government Advocate

For R2 : Mrs.Elizabeth Seshadri

ORDER

The Writ of Mandamus has been instituted to direct the respondents to consider the petitioner's representation dated 20.02.2024 and grant approval for Kidney Transplantation from 2nd petitioner to 1st petitioner and to do the Transplantation by the 2nd respondent on the priority basis.

2. The 1st petitioner was admitted for renal failure in the 2nd respondent / Hospital. The Doctors in the 2nd respondent / Hospital advised for Kidney Transplantation and the 1st petitioner has chosen the 2nd petitioner as a donor, who is not a relative, but given consent for Transplantation. Admittedly, the 2nd respondent / Hospital has rejected the proposal of the 1st petitioner on the ground that the 2nd petitioner donor is not a relative of the 1st petitioner. Even in such circumstances, the Hospital has to forward the papers to the 1st



respondent / Committee for taking appropriate decision. If a non-relative has given a consent to donate kidney, the said cases also can be considered by duly verifying the credentials. Therefore, there is no impediment for accepting donation from a non-relative .

3. In the present case, the 2nd respondent is yet to forward the papers to the 1st respondent / Authorisation Committee.

4. Mrs.Elizabeth Seshadri, learned counsel appearing on behalf of the 2nd respondent would submit that the 2nd respondent will immediately forward the papers to the 1st respondent for consideration.

5. Mr.K.Tippu Sulthan, learned Government Advocate appearing on behalf of the 1st respondent would submit that on receipt of the proposal, the Committee will consider on merits.

6. Therefore, the 2nd respondent / Hospital is directed to forward the papers / medical summary along with application submitted by the petitioner to the 1st respondent immediately and ensure that the proposals reach the



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Office of the 1st respondent by 23.04.2024. On receipt of the proposal from the 2nd respondent, 1st respondent shall consider the same and take a decision on or before 30.04.2024.

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7. With the above directions, this Writ Petition stands disposed of. No costs.

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Index : Yes
Speaking order
Neutral Citation : Yes

Note:Registry is directed to issue order copy on 18.04.2024.



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To

1.The Authorisation Committee (Transplantation)

Rep by its Chairman,
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Trichy Road,
Coimbatore.

2.The Chairman,

K.G.Hospital,
No.5, Government Arts College Road,
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