



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.03.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.7510 of 2024

1.G.Soundararajan
2.S.Sidharth

... Petitioners

Vs

- 1.The Government of Tamil Nadu
Rep. By its Principal Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Secretariat,
Chennai – 600 009.
- 2.The Authorization Committee of Tamil Nadu
(for Live Transplant),
Office of the Directorate of Medical Education,
No.162, EVR Periar Road, Poonamallee High Road,
Kilpauk, Chennai – 600 010.
- 3.The Member Secretary,
Transplant Authority of Tamil Nadu
1st Floor, Room No.1045, 1046
Tamil Nadu Super Speciality Hospital,
Omandurar Government Estate,
Chennai – 600 002.
- 4.The Tahsildar,
Coimbatore South,
Coimbatore.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to forthwith consider the representation dated 11.03.2024 of 2nd petitioner and allot the next cadaver liver with A blood Group or O Blood group to 1st petitioner in lieu of a live liver donation by 2nd petitioner to such patient to whom a cadaver liver would have otherwise been allotted.

For Petitioners : Ms.AL.Gandhimathi
Senior Counsel
for Mr.N.Kamalanathan

For Respondents : Mr.S.Balamurugan (for R1)
Government Advocate
Mr.V.Anil Kumar (for R3)
Mr.S.John J Raja Singh (for R4)
Additional Government Pleader
No Appearance (for R2)

ORDER

The petitioners seek a mandamus directing the respondents to consider their representation dated 11.03.2024. The two petitioners are father/P1 and son/P2. P1 is in need of a liver transplant. While P2 is prepared to donate his liver, it is not compatible with the requirement of P1.

2.Hence, this writ petition, praying for swap of liver, such that the next cadaver liver with 'A' blood group or 'O' blood group may be given to first petitioner in lieu of a live liver donation by second petitioner to whom a cadaver liver would have otherwise been allotted.



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3.Mr.V.Anil Kumar, learned counsel for third respondent states that the request of the petitioners has been considered and rejected under communication bearing reference No.468/TRANSTAN/2024 on 28.02.2024 since, there is, at the moment no procedure for a swap of organs, as requested by the petitioners. The above communication states categorically that there are no established protocols as per the request of the petitioners for swap transplant in the deceased donor programme in Tamil Nadu as well as under the Transplantation of Human Organs and Tissues Act, 1994.

4.In light of the rejection of the petitioners' request on 28.02.2024, there is no point in issuing mandamus for review of the contents of that letter. If at all, it is for the petitioners to challenge order dated 28.02.2024, such that attention may be drawn to a lacuna in the present policy and the necessity for review of the same to include swap transplant, if the authorities and medical experts deem it necessary and expedient.

5.Granted such liberty to the petitioners, this writ petition is closed. No costs.

25.03.2024

Index : Yes/No
Speaking order
Neutral Citation:Yes
vs



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Dr.ANITA SUMANTH, J.

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