



WEB COPY



W.P.No.13103 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.05.2024

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.13103 of 2024

1.B.Suganya

2.Mahendran Karuppasamy

... Petitioners

VS

1.The Medway Hospital,
Rep. By its CEO
No.2, 1st Main Rd,
United India Colony,
Kodambakkam,
Chennai – 600024.

2.The AUTHORIZATION COMMITTEE (Transplantation),
Rep by its Chairman
Director of Medical Education,
Residing at No.162, Poonamallee High Road,
Kilpauk, Chennai – 600 110.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing respondents 1 and 2 to consider the petitioners' representation dated 23.04.2024 and pass orders in accordance with law and grant approval for kidney transplantation from 2nd



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Petitioner to 1st Petitioner and to do the transplantation by the 1st Respondent on the priority basis within the time to be stipulated by this Court.

For Petitioners : Mr.K.Chandru

For Respondents : Mrs.M.Sneha
Special Counsel for Health and Family
Welfare Department

ORDER

The present Writ Petition is filed for a writ of Mandamus seeking to direct the respondents 1 and 2 to consider the petitioners' representation dated 23.04.2024 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 1st Respondent on the priority basis within the time to be stipulated by this Court.

2. The case of the petitioner is that the 1st petitioner was affected with end-stage kidney problem. The Doctor, who is treating the 1st petitioner has recommended surgical extraction and transplantation of new kidney in its



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place. The 2nd petitioner, who is the family friend of the 1st petitioner has voluntarily come forward to donate his kidney for transplantation. Hence, the petitioners have sent a representation dated 23.04.2024 requesting the 1st respondent to initiate the kidney transplantation process by considering the pathetic situation of the 1st petitioner and requesting the 2nd respondent to consider and grant approval for kidney donation and transplantation. Since the respondents have not passed any orders on the representation of the petitioners, they have filed the present writ petition.

3. When the matter is taken up for hearing today, Mrs.M.Sneha, learned Special Counsel for Health and Family Welfare Department appearing for the respondents would submit that as and when the representation is forwarded from the 1st respondent to 2nd respondent, it will be decided by the Committee without any delay. She would also submit that sitting of the Committee happens every Friday. If it reaches before the Committee tomorrow (i.e., 10.05.2024), it will be considered.



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4. Recording the submission of the learned Special Counsel for Health

and Family Welfare Department appearing for the respondents, without going into the merits of the matter, the Writ Petition is disposed of by directing the respondents to consider the representation of the petitioners dated 23.04.2024 and pass orders on merits and in accordance with law. No costs.

09.05.2024
(2/2)

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm/kkn

Note: Issue order copy on 09.05.2024.



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Chennai – 600024.

- 2.The Chairman,
AUTHORIZATION COMMITTEE (Transplantation),
Director of Medical Education,
Residing at No.162, Poonamallee High Road,
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A.D.JAGADISH CHANDIRA, J.

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