



W.P.No.47395 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.47395 of 2025

1.R.Ramya

2.A.Gandhimathi

... Petitioners

Vs.

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

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

3.The District Collector,
Office of the District Collector,
Erode.

4.The Revenue Divisional Officer,
Erode.

Page 1 of 8



W.P.No.47395 of 2025

5.The Tahsildar,
Modakurichi Taluk,
Erode District.

6.Kauvery Hospitals,
No.1, K.C. Road, Tennur,
Trichy – 620 017.

7.M.Kumar

8.K.Meenal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 4th and 5th respondents to complete the affidavit process and to direct the 1st and 2nd respondents to grant approval expeditiously for swap kidney transplantation by appreciating the above stated facts and circumstances.

For Petitioner : Mr.M.Guruprasad

For R1 to R5 : Mr.S.Rajesh
Government Advocate



W.P.No.47395 of 2025

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ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the 4th and 5th respondents to complete the affidavit process and to direct the 1st and 2nd respondents to grant approval expeditiously for swap kidney transplantation.

2.It is the case of the petitioners that the 1st petitioner and the 7th respondent are having renal issues. The 2nd petitioner is willing to donate her kidney for transplantation to the 7th respondent. Similarly, the 8th respondent is willing to donate her kidney for transplantation to the 1st petitioner. Now, all the formalities are already over now and they will have to appear before the 2nd respondent/Authorisation Committee (Organs Transplantation), Directorate of Medical Education. However, it is the



W.P.No.47395 of 2025

grievance of the petitioners that, as per the procedure contemplated under the provisions of the Transplantation of Human Organs and Tissues Act, 1994 and Transplantation of Human Organs and Tissues Rules, 2014, the respondents 7 and 8 have already obtained the affidavit as required from the concerned Revenue Divisional Officer, Melur, Madurai. When similar application was filed before the 5th respondent/Revenue Divisional Officer, Erode, by the petitioners, the same is being delayed and the certificate has not been issued. Hence, the petitioners have come forward with this writ petition.

3. When the matter came up for hearing in the morning before this Court, the learned counsel appearing for the respondents 1 to 5 sought time to get instructions. Now, he has obtained instructions from the respondents 4 and 5 that they are prepared to give the certificate, as required, to the petitioners herein.



W.P.No.47395 of 2025

4.Ultimately, the assessment has to be done only by the Authorisation

Committee/2nd respondent as per Section 9(3-A)(c) of the Transplantation of Human Organs and Tissues Act, 1994. The organ transplantation has to be done only with the prior approval, for which, a residential certificate is also required only for proof of residence. Since the certificate including the name of the donor, residence and relationship has already been obtained in respect of the respondents 7 and 8, let the respondents 4 and 5 issue residence certificate to the petitioners immediately. The same can also be produced before the 2nd respondent/Authorisation Committee. Let the Authorisation Committee, taking note of the affidavits already given by the respondents 7 and 8, the residence certificate issued by the Authorities, and also considering the nature of the ailment which is require immediate action, pass order immediately.

5.With these directions, this writ petition is disposed of. No costs.



W.P.No.47395 of 2025

03.12.2025

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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

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W.P.No.47395 of 2025

N. SATHISH KUMAR, J.

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W.P.No.47395 of 2025

W.P.No.47395 of 2025

03.12.2025