



W.P(MD)No.20229 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.20229 of 2025

and

W.M.P.(MD)No. 15594 of 2025

T.Cheliyan

... Petitioner

Vs.

1.The District Collector,
Tirunelveli,
Tirunelveli District.

2.The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.

3.The Tahsildhar
Radhapuram Taluk,
Tirunelveli,
Tirunelveli District.

4.The Dean,
Tirunelveli Medical College,
Tirunelveli,
Tirunelveli District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 4th respondent in his proceedings in Na.Ka.No.15005/Pa4/2024 dated 28.03.2025 to quash the same as illegal and consequently to direct the 4th respondent to accept the petitioner's application for



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organ donation without insisting the undertaking from the legal heirs within the period that may be stipulated by this Court.

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For Petitioner : Mr. A.Nawazkhan
for M/s.Ajmal Associates

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the 4th respondent in his proceedings in Na.Ka.No.15005/Pa4/2024 dated, 28.03.2025, and consequently, to direct the 4th respondent to accept the petitioners application for organ donation without insisting the undertaking from the legal heirs within the period that may be stipulated by this Court.

2.The contention of the petitioner is that he is interested to give his entire body as organ donation to the respondents. However, the respondents are insisting to produce an undertaking from the legal heirs that they do not have any objections.

3.The learned Special Government Pleader appearing for the respondents relied on the circular issued regarding the organ donation wherein it has been stated that no objection certificate should be obtained from the



concerned legal heirs. But the petitioner is not in a position to get the no objection certificate from the legal heir, since the petitioner is not in good terms with his daughter who is the only legal heir.

4. After hearing the rival submissions, this Court is of the considered opinion that when the legal heir is not in good terms, there should be some alternative arrangement. Therefore, this court is inclined to quash the impugned order and following orders are passed.

i) The impugned order is quashed.

ii) The petitioner is directed to submit an undertaking affidavit indicating that he is not in good terms with his only daughter and he is ready and willing to donate his body, in spite of any objection from the legal heir.

iii) Based on the undertaking affidavit, the respondents shall accept the application for organ donation and register the same within a period of four weeks from the date of receipt of a copy of this order.

iv) After accepting the application, if there is any objection from the legal heir, the respondents shall simply ignore the same based on the undertaking affidavit given by the petitioner.

5. With the above observations, this Writ Petition is disposed of.



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There shall be no order as to costs. Consequently, connected Miscellaneous

Petition is closed.

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24.07.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

Tmg

To

1.The District Collector

Tirunelveli,

Tirunelveli District.

2.The Revenue Divisional Officer,

Tirunelveli,

Tirunelveli District.

3.The Tahsildhar

Radhapuram Taluk,

Tirunelveli,

Tirunelveli District.

4.The Dean

Tirunelveli Medical College,

Tirunelveli,

Tirunelveli District.



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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.20229 of 2025**

DATED : 24.07.2025