



W.P(MD)No.24222 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24222 of 2025

Abinaya

... Petitioner

Vs.

1.The Kidney Transplantation Authorization Committee,
Government Rajaji Hospital, Madurai.

2.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

3.M/s.Shasth Kidney and Multi Speciality Hospital,
23 Telecom Nagar,
Four way and Valar Nagar Junction,
Madurai - 107.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to submit the Form III dated 08/07/2025 and Form IV along with the relevant certificate to the 1st Respondent Committee and the 1st Respondent committee to conduct enquiry and pass orders for the grant of approval for the transplantation of kidney within the time frame stipulated by this Court.



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For Petitioner : Mr.S.Selva Aditya

For Respondents : Mr.S.Kameshwaran,
Government Advocate for R1 & R2.

ORDER

Heard the learned counsel for the writ petitioner and the learned Government Advocate for the respondents 1 and 2. Issuance of notice to the third respondent is dispensed with.

2.The petitioner is a 23 year old young woman. Both her kidneys have failed. The petitioner received donation from her mother. Unfortunately, the transplanted organ had also failed. The petitioner is surviving on dialysis. It is stated that a family friend by name Sangeetha had come forward to donate her organ.

3.It appears that papers are not being processed. The learned counsel for the petitioner states that on account of the adverse publicity generated recently with regard to commercial trafficking in organs, the prospect of the petitioner getting approval is little remote.



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4.The learned counsel for the petitioner draws my attention to the recent order dated 29.08.2025 rendered in W.P.No31813 of 2025 (V.Periyasamy Vs. The Chairman, Directorate of Medical Education, Kilapauk, Chennai - 10). Paragraph Nos.16, 17 and 18 of the said order reads as follows:

“16. It is incomprehensible as to how the family friends can establish their relationship through documents. Emotion plays a part in a relationship involving friends and it is not determined through documentation. Hence, the very basis, on which, the report has been given by the third respondent, lacks sound reasoning.

17. It is also seen from the records that all the other relevant forms have been filed along with the certificate and the only ground that has been put against the petitioner is that the third respondent has come to the conclusion that the donor and the recipient did not establish through the documents that they are family friends. The decision taken by the first respondent - Committee purely on the basis of the report of the third respondent - Committee does not satisfy the mandatory requirements under Rule 23 of the Rules. There is no independent application of mind and the decision taken by the first respondent - Committee suffers from error of law apparent on the face of the impugned order.



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18. In the light of the above discussions, the writ petition is allowed and the impugned proceedings of the first respondent dated is hereby set aside. There shall be a direction to the family of the donor and the family of the recipient to be present before the first respondent - Committee on 04.9.2025. On such appearance, the first respondent - Committee shall scrutinize the application and the forms already submitted and shall satisfy themselves that the organ donation is out of love and affection, that there is no financial transaction between the recipient and the donor and that there is no pressure or coercion exerted on the donor. On satisfaction of these requirements and the completion of procedure prescribed under the Rules, a final decision shall be taken by the first respondent within a period of four weeks from the date of inquiry. No costs."

It may incidentally be mentioned that I had taken the same view vide order dated 30.05.2024 in W.P.Nos.13918 of 2024 etc.

5.The third respondent where the petitioner is taking treatment shall place the relevant forms along with the certificates before the first respondent forthwith and immediately. The first respondent shall dispose of the applications in terms of the law laid down vide order dated 29.08.2025 made in W.P.No.31813 of 2025 within a period of eight weeks thereafter.



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6.This writ petition is disposed of accordingly. No costs.

08.09.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 09.09.2025

To:-

- 1.The Kidney Transplantation Authorization Committee,
Government Rajaji Hospital, Madurai.
- 2.The Tahsildar,
Devakottai Taluk,
Sivagangai District.



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G.R.SWAMINATHAN, J.

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