



WEB COPY

WP No. 1507 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 1507 of 2026

A.Mohammed Hussain

..Petitioner(s)

Vs

1. The Chairman

Office of the Chairman organisation committee

Directorate of Medical Education

Kilpauk.

Chennai 600 010.

2. The Principal Secretary to Government

Heath and family Welfare Department

government of Tamil Nadu

fort St. George,

Chennai 600 009.

3. M/s Bharathirajaa hospital and Research Centre

No 20 G.N. Chetty Road

T Nagar, Chennai 600 017.

..Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records on the



file of the first respondent herein in relation to its impugned order dated 05.12.2025 rejecting the application of the petitioner for undergoing transplantation for renal failure on the ground Donor and Recipient statements are Contradictory, Further enquiry donor wife gives a different statement. Friendship is not established by both the parties, quash the same with consequential direction directing the first respondent herein to reconsider the papers submitted by the petitioner and to pass a fresh order according approval for undergoing renal transplantation.

For Petitioner(s): Mr.G.RM.Palaniappan

For Respondent(s): Mr.M.Bindran AGP for R1 and R2

ORDER

The Writ Petition has been filed for the following reliefs:-

“ calling for the records on the file of the first respondent herein in relation to its impugned order dated 05.12.2025 rejecting the application of the petitioner for undergoing transplantation for renal failure on the ground Donor and Recipient statements are Contradictory, Further enquiry donor wife gives a different statement. Friendship is not established by both the parties, quash the same with consequential direction directing the first respondent herein to reconsider the papers submitted by the petitioner and to pass a fresh order according approval for undergoing renal transplantation.”



2. It is the case of the petitioner that he is suffering from renal failure and has been living on dialysis for the past two years, incurring huge expenses. After identifying a donor, the petitioner filed an application on 08.09.2025 under Form 11 of the Transplantation of Human Organs and Tissues Act, 1994 before the 1st respondent. According to the petitioner, the donor, namely Mr. S. Uttam Singh, is ready and willing to donate his organ, as they have been family friends for more than ten years and have also been residing in the same locality for over five years.

3. Thereafter, on 07.11.2025 and 05.12.2025, the 1st respondent conducted interviews, in which the donor, the donee, and the donor's wife appeared and answered all the questions put forth by the 1st respondent. However, despite the submission of all necessary documents as directed and despite satisfactorily answering all the questions during the interviews, the 1st respondent rejected the petitioner's application by stating that the *"Donor and Recipient statements are Contradictory, Further enquiring donor wife gives a different statement. Friendship is not established by both the parties."* Challenging the same, the petitioner is before this Court.

4. Heard the learned counsel on either side and perused the records.



5. In order to verify the reasons given for rejecting the request of the petitioner, this Court had directed the transcription of the statement recorded to be submitted before this Court. Today, the statement have been produced before this Court.

6. On perusal of the same, it is seen that the reasons assigned for rejecting the application of the petitioner was totally incorrect as a reading of the statements of the donor, the donee, and the wife of the donor reveals that their statements are in sync with each other there is absolutely no contradiction therein. Further, the donor's wife has stated that she is fully aware of the surgery and the complications attendant thereto, and despite this she agrees for the same, as her husband and the donee have been friends for the past 7 to 8 years, and several members of his family had succumbed to similar ailments.

7. In light of the above, the impugned order dated 05.12.2025 passed by the 1st respondent rejecting the petitioner's application is without any basis and the same is liable to be set aside.

8. Accordingly, the impugned order dated 05.12.2025 passed by the 1st respondent is set aside, and the 1st respondent is directed to reconsider the petitioner's case by taking note of the statements already recorded and



thereafter approve the petitioner's request for renal transplantation as the only reason for rejection was that contradictory statements have been made which belied on a perusal of the statement recorded. The 1st respondent shall pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order. No costs.

03-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SHR

Note:- Issue order copy today (i.e.04.02.2026.)

To

1. The Chairman
Office of the Chairman organisation committee
Directorate of Medical Education
Kilpauk
Chennai 600 010.
2. The Principal Secretary to Government
Health and family Welfare Department
government of Tamil Nadu
fort St. George,
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