



WEB COPY

WP No. 2823 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. 2823 of 2026

and

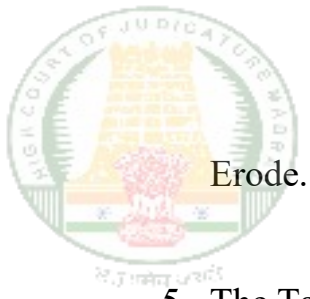
WMP No.3140 of 2026

1. R.Ramya
2. A.Gandhimathi

..Petitioner(s)

Vs

1. The Secretary To The Government
Health and Family Welfare Department
Secretariat, Fort St. George
Tamilnadu.
2. The Authorisation Committee (organs
Transplantation)
Directorate of Medical Education
Poonamallee High Road
Kilpauk, Chennai 600010.
3. The District Collector
Office of The District Collector
Erode.
4. The Revenue Divisional Officer



Erode.

5. The Tahsildar
Modakurichi Taluk
Erode District.

6. Kauvery Hospitals
No.1, K.C. Road
Tennur, Trichy 620017.

7. M.Kumar

8. K.Meenal

..Respondent(s)

Prayer: Writ petition is filed under Section 226 of the Constitution of India for the issuance of mandamus, a. to direct the 4th and 5th respondents to attest the affidavits filed by the petitioners and his family members as contemplated under the Act. b. To direct the 6th respondent / Kauvery Hospital to forward the application of the petitioners forthwith to the 2nd respondent and c. To direct the 2nd respondent to issue necessary permission for the kidney transplantation in accordance with the law in a time bound period.

For Petitioner(s): Mr.M.Guruprasad

For Respondent(s): MR.M.Bindran AGP (for R1 & R2)
MR.V.Jeeva Giridharan AGP (for R3 to R5)



ORDER

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

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“a. to direct the 4th and 5th respondents to attest the affidavits filed by the petitioners and his family members as contemplated under the Act. b. To direct the 6th respondent / Kauvery Hospital to forward the application of the petitioners forthwith to the 2nd respondent and c. To direct the 2nd respondent to issue necessary permission for the kidney transplantation in accordance with the law in a time bound period.”

2. The main grievance of the petitioners is that, despite the petitioners having obtained Nativity Certificates from the Revenue Authorities, the donors' affidavits having been verified and approved by the Tahsildar and the Revenue Divisional Officer, Melur, and despite compliance with all the provisions of the Transplantation of Human Organs and Tissues Act, 1994, and the Transplantation of Human Organs and Tissues Rules, 2014, the 6th respondent is not proceeding with the kidney transplant, on the ground that the affidavits filed by the petitioners require attestation by the Revenue Officials.



3. Today, Mr. C. Tamil Selvan, Transplant Coordinator, representing Kauvery Hospital, the 6th respondent herein, appeared in person and stated that, according to him, the only reason for seeking attestation of the affidavits filed by the petitioners is to ensure that no claims are made in the future in the event of any untoward incident occurring after the operation.

4. In response to the question put up by the Court as to whether the Hospital had any doubt regarding the competence, the representatives emphatically denied the same.

5. Therefore, without going into the merits of the case, taking into consideration the fact that the Revenue Officials have already verified and approved the affidavits of the 7th and the 8th respondents and the Nativity Certificates of the petitioners have already been issued by the Revenue Authorities, the writ petition is disposed of with the following directions:-

i) As the Revenue Officials have already verified and approved the affidavits of the 7th and the 8th respondents and the Nativity Certificates of the petitioners have already been issued by the Revenue Authorities, the same shall be accepted by the 6th respondent without insisting upon further attestation by respondents 4 and 5. The 6th respondent shall forward the same to the 2nd respondent/the Authorisation Committee and the 2nd respondent shall also



accept the Form-1 with Nativity Certificates and Affidavits without insisting on respondents 4 and 5 attesting the same.

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ii) In the event the 2nd respondent is of the opinion that the Certificates/Affidavits have to be signed by respondents 4 and 5, the 2nd respondent shall forward the same to respondents 4 and 5 for obtaining the necessary signature without insisting upon the petitioners doing the same. On receipt of such request, respondents 4 and 5 shall sign and forward the same to the 2nd respondent within a day of its receipt.

6. No costs. Consequently, the connected Miscellaneous Petition is closed.

03-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SHR



To

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P.T.ASHA, J.

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