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WP No. 6828 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 6828 of 2026

AND

WMP NO. 7414 OF 2026, WMP NO. 7411 OF 2026, WMP NO. 7413 OF 2026

1. Santanu Maity
2. Jharna Maiti

..Petitioner(s)

Vs

1. The State Of Tamil Nadu
Rep. by its Secretary to Government
Health And family Welfare Department,
Secretariat,
Chennai 09
2. The Authorization committee
Rep. by its Chairman,
Directorate of Medical Education and Research
Kilpauk,
Chennai 08
3. M/s. Apollo Specialty Hospital
Rep. by its Managing director,
No. 5/639
Old Mahabalipuram Road,
Chennai 96

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 23.01.2026 K.Dis. No. 003080/ H and DII/ 4/ 2025 passed by the 2nd respondent quash the same and consequently direct the respondents to permit human transplantation of an organ from the 2nd petitioner to the 1st petitioner by considering their application in Form 11 dated 30.12.2025 and pass



For Petitioner(s):

Mr.N.Manoharan

For Respondent(s):

Ms.Sneha, Special Counsel for Mr.M.Bindran,
Additional Government Pleader for R1 and R2**Order**

The Writ Petition is filed challenging the impugned order of the 2nd respondent, wherein the application of the petitioners for human transplantation of an organ, got rejected and prays for further direction to the respondents to permit the said human transplantation of an organ from the 2nd petitioner to the 1st petitioner.

2. The 1st petitioner is an agriculturalist and the 2nd petitioner is the mother of the 1st petitioner. Case of the petitioners is that during November 2025, the 1st petitioner fell ill and was diagnosed with Chronic Kidney Disease and he was advised to avail medical treatment at Chennai. The petitioners have come Chennai for treatment and approached the 3rd respondent Hospital. While so, the Doctors in the 3rd respondent Hospital have advised the 1st petitioner to undergo renal transplantation surgery, for which the Doctors conducted a detailed pre-transplantation assessment and found the 2nd petitioner mother as suitable donor and medically fit to donate her one kidney.



3. The petitioners in order to get appropriate authorisation, submitted an application dated 30.12.2025 under Form 11 of the Transplantation of Human Organs and Tissues Rules, 2014 through the 3rd respondent Hospital to the 2nd respondent. The petitioners have attended all enquiries and submitted relevant records. In spite of that, the application for kidney transplantation had been rejected on 23.01.2026. Aggrieved by the same, the petitioners are before this Court.

4. Learned counsel appearing for the petitioners submitted that the 3rd respondent had transmitted the petitioners application for kidney transplantation to the 2nd respondent Committee, even though there is no need for such approval, when the donor is a near relative of the recipient under Section 9(1) of the Transplantation of Human Organs and Tissues Act, 1994. He further states that Rule 18 stipulates that the “competent authority” as defined under Rule 2(c) of the Act shall conduct the evaluation when the donor and recipient are not near relatives. In the present case on hand, the Competent authority is the 3rd respondent Hospital, who evaluated that the 2nd petitioner is medically fit to undergo surgery for organ transplantation. The 2nd respondent without considering the above factual and legal position, had passed a cryptic order rejecting the application of the petitioners.



5. Learned Special Counsel appearing for the learned Additional Government Pleader submitted that the 2nd petitioner was medically examined by a team of doctors and found that since she is aged about 64 years and she is having high risk of chronic kidney disease on post donation, the 2nd respondent Committee declared the petitioner as unfit for proceeding to organ donation and passed the rejection order. Further, guidelines issued under Rule 23 of the Rules has been followed properly and fitness of the donor has been assessed.

6. Heard the learned counsel on both sides and perused the materials on record.

7. The relationship between the donor and donee is not in dispute. The 1st petitioner is suffering from Chronic Kidney Disease and he is treated in the third respondent/hospital. The third respondent/hospital has also given certificate to the effect that the petitioner's mother/donor is fit for such surgery. However, the Authorisation Committee Government has assessed the 2nd petitioner / donor and rejected the application as she has medically unfit.

8. It is relevant to note that as per Rule 18 of the Rules, where, the proposed transplant of organs is between near relatives related genetically, namely, grandmother, grandfather, mother, father, brother, sister, son, daughter, grandson and granddaughter, above the age of eighteen years, the competent



authority as defined under Rule 2(c) or Authorisation Committee (in case donor or recipient is a foreigner) shall evaluate.

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9. Rule 2(c) of the Rules reads as follows:

2.Definitions.~

competent authority means the Head of the institution or hospital carrying out transplantation or committee constituted by the head of the institution or hospital for the purpose.

10. The said rule makes it clear that only if the donor or recipient is a foreigner, the Authorisation Committee had to evaluate as to whether the relatives as defined in the Act is fit for such surgery and transplant. In the present case, the donor is the near relative to the 1st petitioner, who is his mother and hence, the evaluation from the 2nd respondent is not necessary for the 1st petitioner. In the present case on hand, as per Rule 2(c) the competent authority, who is the 3rd respondent Hospital, has clearly given a certificate to the effect that he donor / 2nd petitioner is fit to undergo surgery.

11. Further Section 9(3-A) of the Act indicates that if the donor is not compatible biologically as a donor for the recipient, then the approval from the Authorisation Committee is required. The fact remains in this case that the competent authority and other medical officers have clearly found that the



donor is fit for surgery. When the experts of 3rd respondent / hospital, have examined the donor and donee and given certificates, this Court is of the view that the impugned order cannot be a bar for the transplantation.

12. In view of the foregoing discussions, this Court issues the following directions:

i. The competent authority of the third respondent/hospital shall once again assess the 2nd petitioner fully in their hospital for comprehensive evaluation;

ii. After thorough assessment and after satisfying all the parameters, the third respondent/hospital can take all the decisions based on the results of the evaluation; and

iii. If the third respondent/hospital is satisfied that the 2nd petitioner is fit for surgery, then, it may proceed on with the transplantation.

With the above directions, this writ petition stands allowed. No costs.

Connected W.M.P. is closed.

05-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Secretary to Government
Health And family Welfare Department,
Secretariat,
Chennai 09.
2. The Chairman,
Authorization committee
Directorate of Medical Education and Research
Kilpauk,
Chennai 08.



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M.DHANDAPANI J.

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