



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No.11126 of 2026

and

WMP Nos.12095 and 12098 of 2026

J. Badri Narayan
S/o Jayaram,
No B102, B-Block, 1st Floor
Premier Inspira Maplewood sarjapur Road,
Opp. uber Verdant
Chikkanayakanhalli,
Bangalore South,
Carmelaram,
bengaluru (Dt)
karnataka 560 035

..Petitioner(s)

Vs

1. The Authorization Committee (Transplantation)
Rep by chairman,
Directorate of medical Education and Research,
Kilpauk, Chennai 600 010
2. The State of Tamil nadu
Rep by its Principal secretary,
Department of Health and Family Welfare,
Secretairat, Fort St George,
Chennai 600 009
3. Velan Speciality Hospitals Pvt. Ltd
Highways Colony, subramaniyampuram,
Jailcorner, Pudukottai Main Road,
Trichy TamilNadu 620 020

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying for a writ of Certiorarified Mandamus calling for the records of the 1st
respondent dated 09.01.2026 issued in Letter No.K.Dis.No.114920 / H and DH /



4 of 2025 in rejecting the Petitioner's application for transplantation of Human Organ and quash the same and consequently direct the 1st respondent to approve the petitioner's application / grant / approval NOC to the petitioner for his kidney transplantation.

For Petitioner(s): Mr.G.V.Sridharan

For Respondent(s): Mr.P.Elayaraj Kumar
Counsel for Government Side (for R1 & R2)

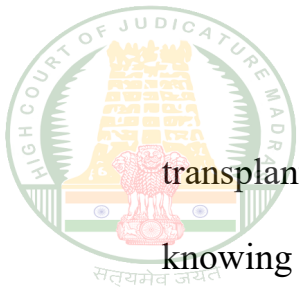
ORDER

The present writ petition is filed challenging the impugned communication of the first respondent dated 09.01.2026, whereby petitioner's request/ application for transplantation of human organ/ renal transplantation was rejected on the premise that it suffers from violation of principles of natural justice and gross non-application of mind to the material on record.

2. Brief facts:

i) Petitioner is aged about 34 years and is working in VYMO Technologies at Bangalore. Petitioner was diagnosed with chronic kidney disease sometime in the year 2024. Petitioner was advised by Nephrologist of the third respondent Hospital to undergo kidney transplant at the earliest. Petitioner would submit that his wife and other near relatives were not found compatible for transplantation of the kidney.

ii) Petitioner would also submit that he had approached several Multi-speciality Hospitals within Chennai and Tamil Nadu in relation to kidney



transplantation. While so, Mrs.Prathiba, wife of Mr.Gopinath, came forward knowing the health condition of petitioner to donate one of her kidney in order to enable the petitioner to lead normal life/survive. Though Mrs.Prathiba is not a near relative in terms of Section 2(i) of the Transplantation of Human Organs and Tissues Act, 1994, however, the compatibility/matching test, which is a comprehensive test including blood typing, tissue typing and cross match test which Mrs.Prathiba and petitioner underwent, revealed that Mrs.Prathiba was a suitable donor.

iii) Petitioner would submit that they are family friends for over eight years and that Mrs.Prathiba has come forward to donate her kidney out of her love and affection for the petitioner and his wellbeing. Petitioner and Mrs. Prathiba approached the first respondent in person, first respondent vide proceeding dated 09.01.2026, rejected petitioner's request on the premise that there were some contradictions in the statements made by the donor and her husband. He would submit that the present proceedings suffers from the vice of not being a speaking order. The relevant portion of the order is extracted hereunder:

“K.Dis.No.114920/H&DI/4/2025

*Office of the Chairman, Authorisation
Committee and Directorate of Medical
Education & Research, Kilpauk,
Chennai-10
Dated: 09.01.2026*

*Sub: Human Organ Transplantation Act, 1994 – Authorization Committee Meeting for
Liver/ Renal Transplantation held on 09.01.2026 – Decision of the Authorization*



Committee for Liver/ Renal Transplantation – Forwarded for uploading in the site www.tnhealth.tn.gov.in.

WEB COPY Renal Transplantation

Sl.No	Name of the Hospital	Name of the Patient	Name of the Donor	Whether Approved/Rejected	If Rejected - reason
..	..	..	..	...	..
8.	Velan Speciality Hospital Pvt., Limited, Trichy	Badr Narayan J Karnataka	Prathiba Karnataka	Rejected	Family Friend contradictory statement by the donor and her husband

3. Before proceeding further it may be relevant to refer to Section 9 of Transplantation of Human Organs and Tissues Act, 1994, which reads as under:

“9.Restrictions on removal and transplantation of human organs

(1)Save as otherwise provided in sub-section (3), no human organ removed from the body of a donor before his death shall be transplanted into a recipient unless the donor is a near relative of the recipient.

.....

(3)If any donor authorises the removal of any of his [human organs or tissues or both] [Substituted for the words "human organs" by Act 16 of 2011, Section 4.] before his death under sub-section (1) of section 3 for transplantation into the body of such recipient not being a near relative as is specified by the donor by reason of affection or attachment towards the recipient or for any other special reasons, such [human organ or tissue or both] [Substituted for the words "human organ" by Act 16 of 2011, Section 4.] shall not be removed and transplanted without the prior approval of the Authorisation Committee.”

(emphasis supplied)

3.1. In terms of sub-section (3) to Section 9 of Transplantation of Human Organs and Tissues Act, 1994, if the donor is not a near relative, then human



organ or tissue would not be removed without prior approval of the Authorisation Committee. It may also be relevant to note that Rule 7 of the Transplantation of Human Organs and Tissues Rules, 2014, sets out the aspects which needs to be examined when the proposed donor and recipient are not near relatives, and is extracted hereunder:

“7. Authorisation Committee.— (1) The medical practitioner who will be part of the organ transplantation team for carrying out transplantation operation shall not be a member of the Authorisation Committee constituted under the provisions of clauses (a) and (b) of sub-section(4) of section 9 of the Act.

(2) When the proposed donor or recipient or both are not Indian nationals or citizens whether near relatives or otherwise, the Authorisation Committee shall consider all such requests and the transplantation shall not be permitted if the recipient is a foreign national and donor is an Indian national unless they are near relatives.

(3) When the proposed donor and the recipient are not near relatives, the Authorisation Committee shall,-

(i) evaluate that there is no commercial transaction between the recipient and the donor and that no payment has been made to the donor or promised to be made to the donor or any other person;

(ii) prepare an explanation of the link between them and the circumstances which led to the offer being made;

(iii) examine the reasons why the donor wishes to donate;

(iv) examine the documentary evidence of the link, e.g. proof that they have lived together, etc.;

(v) examine old photographs showing the donor and the recipient together;

(vi) evaluate that there is no middleman or tout involved;

(vii) evaluate that financial status of the donor and the recipient



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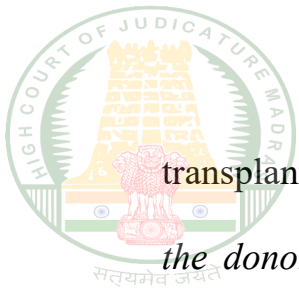
by asking them to give appropriate evidence of their vocation and income for the previous three financial years and any gross disparity between the status of the two must be evaluated in the backdrop of the objective of preventing commercial dealing;

(viii) ensure that the donor is not a drug addict;

(ix) ensure that the near relative or if near relative is not available, any adult person related to donor by blood or marriage of the proposed unrelated donor is interviewed regarding awareness about his or her intention to donate an organ or tissue, the authenticity of the link between the donor and the recipient, and the reasons for donation, and any strong views or disagreement or objection of such kin shall also be recorded and taken note of.”

4. From a reading of the above provision, it would be clear that Authorisation Committee ought to consider aspects set out in Rule 7(3)(i) to (ix), while examining request for organ transplantation not involving a “near relative”. The impugned order merely states “Family Friend, contradictory statement by the donor and her husband” while rejecting petitioner's request for renal transplantation. Impugned order is thus challenged on the premise that it is cryptic and non-speaking and that aspects mentioned in Rule 7 of the aforesaid Rules has not been examined.

5. This Court finds merit in the submission of the learned counsel for petitioner, it has been held by this Court that the Authorisation Committee ought to assign cogent and convincing reasons while denying permission for organ transplantation. However, in the case on hand, request for renal



transplantation is rejected by stating “*Family Friend, contradictory statement by the donor and her husband*”. What is the contradiction which prompted the Authorisation Committee to arrive at the conclusion as not satisfying the parameters in terms of Rule 7 of the Transplantation of Human Organs and Tissues Rules, 2014, has not been disclosed.

6. This Court would think that if petitioner’s request for transplantation is sought to be rejected, petitioner ought to have been put on notice of reasons for such proposed rejection and an opportunity of hearing afforded to offer his explanation. Further impugned order of rejection ought to have set out cogent reasons for rejecting the request for organ transplantation after affording an opportunity of hearing to the recipient and the donor which impugned order fails to do. In view thereof, this Court finds that the impugned order is clearly arbitrary and liable to be set aside. In this regard it may be relevant to refer to the following judgment of this Court in W.P.No.13642 of 2024, dated 31.05.2024, wherein it was held as under:

"8. In the case on hand, Form 11 application submitted by the petitioner and the prospective donor was rejected by assigning the following reason "photo evidence and statement are grossly contradictory". In the decision reported in 2008 MLJ (4) 1044 (S.Samson Vs. Authorisation Committee for Implementation of Human Organ Transplantation), it was held that opportunity of personal hearing must be given. There is a reason for this. If an

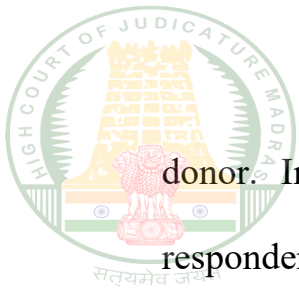


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adverse order is passed, an element of disqualification is attached to the donor. The rights of the patient are at stake. That is why, it is necessary to comply with the principles of natural justice. If any doubt crosses the minds of the members of the committee, the applicants must be put on notice and given an opportunity to explain. In this case, the reason assigned is cryptic. It does not shed any light. The petitioner was not given any opportunity to explain the so~call contradiction noticed by the committee. There has been a gross violation of principles of natural justice. "

7. This Court is of the view that the impugned order does suffer from the vice of not assigning any reason, much less cogent and valid reasons, except the fact that it states contradiction in statement made by the donor and her husband. It does not state what is the contradiction and how that contradiction necessitated the Authorization Committee to arrive at the conclusion that the parameters in terms of Rule 7 of the Transplantation of Human Organs and Tissue Rules, 2014, was not satisfied.

8. In the light of the above discussion, the impugned order is set aside, Authorisation Committee is directed to re-consider the matter afresh keeping in view the relevant provisions of the Act and the Rules, more particularly, Section 9 of the Transplantation of Human Organs and Tissues Act, 1994, and Rule 7 of the Transplantation of Human Organs and Tissues Act, 2014, and decide the matter afresh after affording an opportunity of hearing to the petitioner and the



donor. In the event of rejecting the request made by the petitioner, the respondents shall do so after issuing notice setting out reasons and affording an opportunity of hearing to the petitioner to deal with the reasons. If the respondents were to still proceed to reject the same he shall do so after assigning valid/ cogent reasons for such rejection. The above exercise shall be carried out within a period of ten (10) days from the date of uploading of web copy of the order without waiting for receipt of certified copy.

9. Accordingly, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

09-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
MKA/SPP



To:

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Directorate of medical Education and Research,
Killpauk,
Chennai 600 010
2. The State of Tamil nadu
Rep by its Principal secretary,
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WP No.11126 of 2



MOHAMMED SHAFFIQ J.

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