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Writ Petition No.19327 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI. J

**Writ Petition No.19327 of 2026**

**and**

**W.M.P.No.20586 of 2026**

Lenin Udhayakumar R.V.  
S/o.P.Vijayakumar

... Petitioner

VS.

1. The Principal Secretary to the Government,  
Health and Family Welfare Department,  
Chief Secretariat, Chennai - 600 009.  
Email ID: hfsec@tn.gov.in
2. The Director of Medical Education and Research  
cum The Chairperson,  
State Level Authorisation Committee,  
Kilpauk, Chennai - 600 010.  
Email ID: dmre@tn.gov.in
3. The Dean, Madras Medical College cum  
The Chairperson, Northern District Level Authorisation Committee,  
Rajiv Gandhi Government General Hospital  
Chennai - 600 003.  
Email ID: deanmmc@tn.gov.in



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4. M/s.Apollo Speciality Hospitals, Vanagaram  
Rep. by its Medical Superintendent,  
Plot No.64, Vanagaram-Ambattur Road,  
Ayanambakkam,  
Chennai - 600 095.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus after calling for the records about the impugned decision dated 24.04.2026 vide Ref.No.11312/P&D/2026 published by the 3rd respondent Authorization Committee rejecting the petitioner's application for renal transplantation and quash the same and consequently permit the renal transplant from the petitioner's mother to the petitioner based on the petitioner's representation dated 09.05.2026, within the time frame as stipulated by this Court.

For Petitioner : Mr.A.Suresh Sakthi Murugan  
For Respondents : Mr.M.Murali  
Government Advocate [R1 to R3]

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### **ORDER**

Challenging the impugned decision dated 24.04.2026 published by the third respondent Authorization Committee rejecting the petitioner's application for renal transplantation and to quash the same and consequently, permitting the petitioner's mother to donate kidney to the petitioner for renal transplantation based on the petitioner's representation dated 09.05.2026, this writ petition has been filed.

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2. Learned counsel for the petitioner submitted that this Court has dealt with similar matter in W.P.No.6828 of 2026 and by order dated 05.03.2026 has passed a favourable order to another applicant observing that it is not necessary for the Authorization Committee to evaluate the medical fitness of the organ donor. Relying upon the same, the petitioner sought for the indulgence of this Court.

3. A careful perusal of the order passed by this Court in W.P.No.6828 of 2026 would make it clear that the same would cover the facts and circumstances of the present case and the relevant portion of the same is extracted hereunder:

*“7. The relationship between the donor and donee is not in dispute. The 1<sup>st</sup> 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 2<sup>nd</sup> 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.*



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 1<sup>st</sup> petitioner, who is his mother and hence, the evaluation from the 2<sup>nd</sup> respondent is not necessary for the 1<sup>st</sup> petitioner. In the present case on hand, as per Rule 2(c) the competent authority, who is the 3<sup>rd</sup> respondent Hospital, has clearly given a certificate to the effect that he donor / 2<sup>nd</sup> 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 3<sup>rd</sup> 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.”*

4. A careful perusal of the impugned decision would make it clear that the petitioner's application is rejected without any proper reason. In view of the same, this Court issues the following directions:

- i. The competent authority of the fourth respondent/hospital shall once again assess the petitioner fully in their hospital for comprehensive



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evaluation;

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- ii. After thorough assessment and after satisfying all the parameters, the 4<sup>th</sup> respondent/hospital can take all the decisions based on the results of the evaluation; and
- iii. If the 4<sup>th</sup> respondent/hospital is satisfied that the donor is fit for surgery, then, it may proceed on with the transplantation.

With the above direction, this writ petition stands allowed. No costs.  
Consequently, the connected Writ Miscellaneous Petition is closed.

**13.05.2026**

**Note : Issue order copy on 14.05.2026**

Speaking / Non-speaking order  
Neutral Citation : Yes / No  
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**L.VICTORIA GOWRI. J**

gm/gpa

To

1. The Principal Secretary to the Government  
Health and Family Welfare Department  
Chief Secretariat  
Chennai - 600 009.
2. The Director of Medical Education and Research  
cum The Chairperson, State Level Authorisation Committee  
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