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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

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

WP No. 44288 of 2026

CNR:{HCMA012499662026}

Case QR

1. Fr.Anto Varghese, SDB
   S/o.Varghese,
   No.33L/1, Henry Street, Asaripallam Road,
   Nagercoil, Kanyakumari District - 629 001.

2. Fr.Diravya Rupen, SDB
   S/o.Pushparajan,
   65, Don Bosco Provincial House,
   Illupur road, Kallukuzhy,
   Tiruchirappalli - 620 020.

..Petitioners

Vs

1. The Chief Secretary,
   Government of Tamil Nadu,
   Health and Family Welfare Department
   Secretariat, Chennai - 600009.

2. The Director General of Health Services
   Government of India
   New Delhi.

3. The Director of Medical and Rural Health
   Services / Competent Authority,
   Government of Tamil Nadu,
   DMS Complex, Chennai.

4. The National Organ and Tissue Transplant
   Organisation (NOTTO),
   Ministry of Health and Family Welfare,
   Government of India
   New Delhi.

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5. The Chairman
   Transplant Authorisation Committee
   Hindusthan Hospital,
   Coimbatore, Tamil Nadu.

6. The Transplant Authority of Tamil Nadu
   (TRANSTAN),
   Government of Tamil Nadu,
   Chennai.

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 6th respondent to grant approval for living kidney transplantation by considering the representation sent by petitioner on 09.09.2026 and pass orders.

For Petitioners: M/s.S.Maroshini

For Respondents: Ms.Inthu Karunakaran
Special Government Pleader [R1 R3 & R6]

ORDER

The writ petition is filed seeking a mandamus to the sixth respondent to grant approval for kidney transplantation, by considering the petitioner's representation dated 09.09.2026.

2.The first petitioner, the intended recipient herein is diagnosed with end stage of renal disease and was advised to have a live kidney transplantation instead of dialysis treatment twice a week, by the fifth respondent-Hospital.

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The second petitioner herein is the intended donor, who is the classmate and a close friend of the first petitioner and he has come forward voluntarily to donate his kidney. The first petitioner would submit that the second petitioner and himself are fully prepared to subject themselves to comprehensive medical evaluation mandated under the Transplantation of Human Organs and Tissues Rules, 2014.

3. The first petitioner would submit that he had made a representation to the sixth respondent on 09.09.2026 seeking approval for live kidney transplant, however, there is no response from them to date. Hence, the petitioner is before this Court.

4. The learned Special Government Pleader appearing for the respondents 1, 3 & 6, would submit that the donor and the recipient have not made a joint application as per Section 9(5) of the Transplantation of Human Organs and Tissues Rules, 2014, and therefore, the first petitioner's representation dated 09.09.2026 was not proceeded with.

5. Heard the learned counsels on either side.

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6. It is rather unfortunate to note that the respondents have waited for the petitioner to file a writ petition in order to respond to the representation that has been given by the first petitioner as early as on 09.09.2026. Be that as it may, now on instructions, the learned Special Government Pleader has stated that the petitioners' request would be considered if a joint application is made. The petitioners herein, namely both the donor and the recipient are directed to therefore submit a joint application to the sixth respondent, as per Section 9(5) of the Transplantation of Human Organs and Tissues Rules, 2014, and the sixth respondent within a week from the date of receipt of the said application, shall process the application.

7. With the above directions, the writ petition is disposed of. No costs.

04-11-2026

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

DS

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