



2026:KER:68786

WP(C) NO. 27077 OF 2026

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2026 / 18TH BHADRA, 1948

WP(C) NO. 27077 OF 2026

PETITIONER:

MUHAMMED JISHAR A, AGED 35 YEARS, S/O. ABDUL JALEEL
A., ACHIPRA HOUSE, BHEEMANAD P.O., MANNARKKAD,
PALAKKAD, PIN - 678 601

BY ADV SRI.C.K.SREEJITH

RESPONDENTS:

- 1 LAKESHORE HOSPITAL & RESEARCH CENTRE LTD
MARADU, NETTOOR P.O., ERNAKULAM DISTRICT REPRESENTED
BY ITS CHIEF MEDICAL OFFICER, PIN - 682 040
- 2 ASSISTANT POLICE COMMISSIONER, OFFICE OF THE
ASSISTANT COMMISSIONER OF POLICE, KUNNAMKULAM,
TRISSUR DISTRICT, PIN - 680 503
- 3 STATE OF KERALA, REPRESENTED BY SECRETARY, HOME
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001
- 4 THE CHAIRMAN, AUTHORIZATION COMMITTEE FOR ORGAN
TRANSPLANTATION, DISTRICT LEVEL COMMITTEE,
GOVERNMENT MEDICAL COLLEGE, KALAMASSERY, ERNAKULAM,
PIN - 683 503
- 5 DIRECTOR, DIRECTORATE OF ENFORCEMENT (COCHIN ZONAL
OFFICE) A & P ARCADE, SAHODARANAYYAPPAN ROAD (S.A.
ROAD), NEAR METRO PILLAR NO. 772, KADAVANTHRA,
KOCHI, ERNAKULAM, PIN - 682 016
- 6 THE CONVENOR, LOCAL COMMITTEE OF ORGAN
TRANSPLANTATION, LAKESHORE HOSPITAL AND RESEARCH



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CENTRE LTD, MARADU, NETTOOR.P.O,ERNAKULAM DISTRICT,
PIN - 682 030

BY ADVS.

SHRI.ABEL TOM BENNY

SHRI.JAISHANKAR V.NAIR, SC, ENFORCEMENT DIRECTORATE

SRI.AJIT JOY

SRI.D.PREM KAMATH

SHRI.AARON ZACHARIAS BENNY

SRI.V.G.SANKARAN

SHRI.K.S.MUHAMMED SHEFIN

SHRI. MATHEW ANGELO DAVIS

SMT.TESSA ROSE

SMT.JYOTHIKA KRISHNA

SHRI.AKHIL JAMES

SMT. POOJA SURENDRAN, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09.09.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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J U D G M E N T

Heard Sri. C.K. Sreejith, the learned counsel for the petitioner, Smt. Pooja Surendran, the learned Government Pleader for respondent Nos.2 to 4, Sri. V.G. Sankaran, the learned counsel for respondent No.1 and 6, Sri. Jaishankar V. Nair, the learned Standing Counsel for respondent No.5.

2. The petitioner is stated to be a patient suffering from chronic kidney disease and undergoing treatment at the 1st respondent hospital, requiring transplantation. Sri. Frijo C.F., aged 34 years, stated to be a close friend of the petitioner, has come forward to donate one of his kidneys to the petitioner. An appropriate application seeking approval for the transplantation under the provisions of the Transplantation of Human Organs and Tissues Act, 1994 (for short, "the Act"), was also submitted.

3. In connection with the aforesaid application, a Certificate of Altruism was also sought. The police authorities issued Ext.P3 dated 06.04.2026, as per which the proposed donor, Sri. Frijo C.F., was found to have been involved in as many as five criminal cases registered at various police stations in



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Thrissur District.

4. The petitioner contends that, on the basis of the aforesaid report, the papers are not being forwarded by the 1st respondent hospital for consideration by the District Level Authorisation Committee (4th respondent). It is in these circumstances that the petitioner has approached this Court by filing the captioned writ petition.

5. This Court is of the opinion that merely because a person has been involved in certain criminal cases, it cannot be said that the statute interdicts such person from coming forward as a donor in terms of the provisions of the Act.

6. A learned Single Judge of this Court in **Radhakrishna Pillai v. District Level Authorisation Committee, Ernakulam [2021 (6) KLT 408]** has also considered a similar issue and held that the criminal antecedents of the donor cannot be a ground of consideration in the matter of organ donation.

7. In such circumstances, I am of the opinion that merely on account of Ext.P3, which refers to certain criminal

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cases registered against the donor, the papers pending before the 1st respondent ought not to be withheld.

Accordingly, this writ petition is ordered by directing the 1st respondent to place the papers before the 4th respondent-Committee for consideration in accordance with law, taking into account the principles laid down in the aforesaid judgment, as well as the principles laid down in **Uvais Muhammad K.C. v. State of Kerala [2025 (1) KHC 253]** and in **Shareef M. v. State of Kerala [2025 KHC OnLine 11974]**.

Sd/-
HARISANKAR V. MENON
JUDGE

PR



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APPENDIX OF WP(C) NO. 27077 OF 2026

PETITIONER EXHIBITS

Exhibit P1	THE TRUE COPY OF THE CERTIFICATE OF PHYSICAL AND MENTAL FITNESS OF SRI. FRIJO C.F. ISSUED BY DR. JITHIN S. KUMAR MD, DM, CONSULTANT NEPHROLOGY & RENAL TRANSPLANTATION, LAKESHORE HOSPITAL & RESEARCH CENTRE, ERNAKULAM
Exhibit P2	THE TRUE COPY OF THE CERTIFICATE OF ADVISING KIDNEY PLANTATION ISSUED BY LAKESHORE HOSPITAL & RESEARCH CENTRE, ERNAKULAMDT. 10/7/2026
Exhibit P3	THE TRUE COPY OF THE CERTIFICATE ISSUED BY ASSISTANT COMMISSIONER OF POLICE, KUNNAMKULAMDT. 6/4/2026
Exhibit P4	THE TRUE COPY OF THE CHECK LIST FOR ORGAN TRANSPLANTATION