

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11350 of 2022
and
W.M.P. No.10886 of 2022

1. Sanjay Simon
2. T.Vijayalakshmi ... Petitioners

Vs

1. K.G.Hospital
Rep. by its Chairman,
No.5, Govt. Arts College Road,
Coimbatore – 641 018.
2. The Authorisation Committee (Transplantation)
Rep. by its Chairman,
Directorate of Medical Education,
162, Poonamallee High Road,
Kilpauk, Chennai – 600 010. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioners' representation dated 01.04.2022 and pass orders in accordance with law and grant approval for Kidney transplantation

from 2nd petitioner to 1st petitioner and to do the transplantation by the 1st respondent on the priority basis within the time to be stipulated by this Court.

For petitioners : Mr.M.Manivasagam
for M/s.M.Manivasagam Associates

For respondents : Mr.J.Ravindran,
Additional Advocate General
Assisted by M/s.V.Yamuna Devi
for R2

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to consider the petitioners' representation, dated 01.04.2022 and pass orders and grant approval for Kidney transplantation from the second petitioner to the first petitioner.

2. The first petitioner is residing at Coonoor, Nilgiris District. The first petitioner is aged about 27 years and suffering from Kidney ailments. As per the medical diagnosis, the first petitioner is suffering from end stage renal failure. Thus, the first respondent has to undergo dialysis thrice a week. The Doctors strongly recommended surgical extraction and transplantation of new Kidney in its place. Due to prolonged dialysis, the first petitioner is suffering heavy pain. Thus, the first petitioner made arrangements for Kidney transplantation and the second petitioner, who is not a relative consented to be the donor.

3. The grievance of the Writ Petitioners is that they made a representation to the respondents 1 and 2 for grant of approval and the said representation is yet to be considered, since the first petitioner is suffering from heavy pain and in view of the urgency, the present Writ Petition is filed.

4. The learned Additional Advocate General, considering the genuineness involved, voluntarily made a submission that he will get instructions and report before this Court. The case was passed over and taken up at 4.30 P.M. The learned Additional Advocate General, on instructions, made a submission that the Committee meeting is scheduled to be held on 20.05.2022 and therefore, Writ Petitioners along with the Attender are to be present before the second respondent Authorisation Committee at 1.00 P.M on 20.05.2022 in the office of the Directorate of Medical Education, 162, Poonamallee High Road, Kilpauk, Chennai – 600 010. The petitioners, along with the Attender, has to produce all the relevant documents before the Committee for consideration and for the scrutinisation of documents, and the committee will take a decision with reference to the grant of approval.

5. In view of the submissions made by the learned Additional Advocate General, the petitioners 1 and 2, along with Attender, are at liberty to appear before the second respondent-Committee at 1.00 P.M on

20.05.2022 along with relevant documents and in the event of their appearance, the second respondent Committee is directed to scrutinise the documents and take an appropriate decision on merits in accordance with law and communicate the said decision to the petitioners at about 7.00 P.M. on 20.05.2022 itself.

6. The learned Additional Advocate General is requested to communicate this order to the respondents immediately over phone or through electronic mode of communication.

7. With the above said directions, the Writ Petition is disposed off. No costs. Consequently, W.M.P. No.10886 of 2022 is closed.

19.05.2022

Index: Yes/ No

Internet: Yes/No

Speaking Order/Non-speaking Order

Note : Upload on 19.05.2022

VSI2/GRS

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S.M.SUBRAMANIAM, J.

VSI2

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