

(2025) 12 MAD CK 0028

Madras HC

Case No: Writ Petition No. 47395 Of 2025

R.Ramya And Others

APPELLANT

Vs

Secretary To Government And
Others

RESPONDENT

Date of Decision: Dec. 3, 2025

Acts Referred:

- Transplantation Of Human Organs And Tissues Act, 1994-Section9(3A)(c)

Hon'ble Judges: N. Sathish Kumar, J

Bench: Single Bench

Advocate: M.Guruprasad, S.Rajesh

Final Decision: Disposed Of

Judgement

N. Sathish Kumar, J

1. This writ petition has been filed for issuance of a Writ of Mandamus directing the 4th and 5th respondents to complete the affidavit process and to direct the 1st and 2nd respondents to grant approval expeditiously for swap kidney transplantation.

2.It is the case of the petitioners that the 1st petitioner and the 7th respondent are having renal issues. The 2nd petitioner is willing to donate her kidney for transplantation to the 7th respondent. Similarly, the 8th respondent is willing to donate her kidney for transplantation to the 1st petitioner. Now, all the formalities are already over now and they will have to appear before the 2nd respondent/Authorisation Committee (Organs Transplantation), Directorate of Medical Education. However, it is the grievance of the petitioners that, as per the procedure contemplated under the provisions of the Transplantation of Human Organs and Tissues Act, 1994 and Transplantation of Human Organs and Tissues Rules, 2014, the respondents 7 and 8 have already obtained the affidavit as required from the concerned Revenue Divisional Officer, Melur, Madurai. When similar application was filed before the 5th respondent/Revenue Divisional Officer, Erode, by the petitioners, the same is being delayed and the certificate has not been issued.

Hence, the petitioners have come forward with this writ petition.

3. When the matter came up for hearing in the morning before this Court, the learned counsel appearing for the respondents 1 to 5 sought time to get instructions. Now, he has obtained instructions from the respondents 4 and 5 that they are prepared to give the certificate, as required, to the petitioners herein.

4. Ultimately, the assessment has to be done only by the Authorisation Committee/2nd respondent as per Section 9(3-A)(c) of the Transplantation of Human Organs and Tissues Act, 1994. The organ transplantation has to be done only with the prior approval, for which, a residential certificate is also required only for proof of residence. Since the certificate including the name of the donor, residence and relationship has already been obtained in respect of the respondents 7 and 8, let the respondents 4 and 5 issue residence certificate to the petitioners immediately. The same can also be produced before the 2nd respondent/Authorisation Committee. Let the Authorisation Committee, taking note of the affidavits already given by the respondents 7 and 8, the residence certificate issued by the Authorities, and also considering the nature of the ailment which is require immediate action, pass order immediately.

5. With these directions, this writ petition is disposed of. No costs.