
(2023) 12 KL CK 0144
In the High Court Of Kerala
Case No : Writ Petition (C) No. 42333 Of 2023

Adarsh Manesh

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 15-12-2023

Acts Referred:

Citation : (2023) 12 KL CK 0144

Hon'ble Judges : Devan Ramachandran, J

Bench : Single Bench

Advocate : Jinson Ouseph, Chitra Vijayan, Basil Mechery, Nimisha George, Amalendu N.S., Vidya Kuriakose, Rs Kalkura

Final Decision : Allowed

Judgement

Devan Ramachandran, J

When this matter was called today, the learned Government Pleader – Smt.Vidya Kuriakose and learned counsel for the petitioners – Sri.Jinson Ouseph, were ad idem that the issues involved in this case have already been answered by this Court in Soubiya v. District Level Authorisation Committee for Transplantation of Human Organs, Ernakulam [2023 (6) KHC 293]. They prayed that, therefore, this writ petition also be ordered in terms of the directions issued therein.

In the afore circumstances, I allow this writ petition with the following directions:

- a) The petitioners are hereby granted liberty to hand over all relevant documents to the 3rd respondent – Local Level Committee for Renal Transplantation without a 'Certificate of Altruism' and this shall be done within a period of one week from today.
- b) The 3rd respondent – Local Level Committee for Renal Transplantation of the Hospital concerned, will, thereupon, forward the application of the petitioners, along with all necessary documents, except 'Certificate of Altruism', to the 2nd respondent – District Level Authorization Committee for Renal Transplantation

(DLAC); and this shall be done forthwith, but not later than four days from the date of receipt of a copy of this judgment.

c) On the afore application reaching the 2nd respondent - DLAC, its competent Authority will notify the petitioners and inform them whether they have to obtain a 'Certificate of Altruism' from the concerned Police Authority.

d) If the DLAC is to find that no such Certificate is required in this case, they will complete the processes, leading to necessary permissions to be granted to the petitioners, within a period of two weeks thereafter.

e) However, if, on the contrary, the DLAC is to find that 'Certificate of Altruism' is required to be obtained by the petitioners, they will intimate them of such within a period of two weeks from the date on which they receive application from the 3rd respondent; upon which, the petitioners will be required to obtain the same and produce it before the said Authority, as per law.

f) On the afore being done, the DLAC will take a final decision on the petitioners' request, within a period of two from the date on which such Certificate is produced.

g) Needless to say, if the 2nd respondent calls upon the petitioners to obtain a 'Certificate of Altruism', the 4th respondent – Deputy Superintendent of Police, or such other competent Authority, will act upon the application for such to be made before them; and will issue necessary certificate without any avoidable delay, but not later than two weeks from the date on which it is received by them, after making all necessary enquiries.

h) I direct the DLAC and the Local Level Committee for Renal Transplantation to bear in mind the medical condition of the child and to act as quickly as possible, notwithstanding the afore maximum time frame fixed.