

(2021) 03 KL CK 0044

In the High Court Of Kerala

Case No : Writ Petition (C) No. 5292 Of 2021

Devanandan P.V And Ors

APPELLANT

Vs

District Level Authorization Committee For Transplantation Of
Human Organs And Ors

RESPONDENT

Date of Decision : 03-03-2021

Acts Referred:

Transplantation Of Human Organs And Tissues Act, 1994 — Section 9(3)
Transplantation Of Human Organs And Tissues Rules, 2014 — Rule 7(3)

Citation : (2021) 03 KL CK 0044

Hon'ble Judges : P.V. Asha, J

Bench : Single Bench

Advocate : C.M. Mohammed Iquabal, K. Srikumar, K. Manoj Chandran, Vinitha B

Final Decision : Disposed Of

Judgement

1. The 1st petitioner is undergoing the treatment for chronic liver disease in Amrutha Institute of Medical Science and he is advised to have liver

transplantation at the earliest point of time. It is stated that since the liver of the close relatives of the 1st petitioner is not suitable for transplantation,

the 2nd petitioner has come forward to donate his liver.

2. Petitioners submitted that though they submitted Ext.P9 application along with all documents before the 2nd respondent, the same is not forwarded.

3. The learned Counsel for the 2nd respondent submitted that petitioners are yet to submit application and as and when application along with all the documents are produced, they will forward the same to the 1st respondent.

4. The transplantation of liver from unrelated donors are governed by Section 9(3) of the Transplantation of Human Organs and Tissues Act, 1994

('the Act, 1994') and Rule 7(3) of the Transplantation of Human Organs and

Tissues Rules, 2014 ('the Rules 2014'). The 1st respondent is the authority constituted for examining the applications for transplantation of liver in such circumstances when the donor is not related to the donee, in accordance with the provisions contained in the Act and Rules.

Therefore, the writ petition is disposed of, with a direction to the 2nd respondent to forward the application Ext.P9, as soon as it is received, to the 1st respondent along with all the documents within a period of three days from the date of its receipt. As it is stated that liver transplantation is required emergently, there shall be a further direction to the 1st respondent to examine the said application along with relevant documents after obtaining a report from the 3rd respondent and to take a decision on it in accordance with the provisions contained in Section 9(3) of the Act, 1994 and Rule 7(3) of the Rules, 2014, as expeditiously as possible, at any rate within a period of two weeks from the date of receipt of a copy of the judgment.