
(2024) 02 KL CK 0122
In the High Court Of Kerala
Case No : Writ Petition (C) No. 5656 Of 2024

Gilson Rocha

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 14-02-2024

Acts Referred:

Citation : (2024) 02 KL CK 0122

Hon'ble Judges : Devan Ramachandran, J

Bench : Single Bench

Advocate : Basil Mechery, Jinson Ouseph, Chitra Vijayan, Nimisha George, Amalendu N.S., Sunil Kumar Kuriakose, R.S.Kalkura

Final Decision : Disposed Of

Judgement

Devan Ramachandran, J

When this matter was called today, the learned Government Pleader – Sri.Sunil Kumar Kuriakose and learned counsel for the petitioner– Sri.Basil Mechery, 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 two weeks from today

(b) The 3rd respondent – Local Level Committee for Renal Transplantation of the Hospital concerned, will 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 within a period of one week 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 one month 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 one month 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.