
(2022) 06 KL CK 0340

In the High Court Of Kerala

Case No : Writ Petition (C) No. 21081 Of 2022

Ramakrishna Pillai C.

APPELLANT

Vs

District Level Authorization Committee For Transplantation Of
Human Organs, Ernakulam

RESPONDENT

Date of Decision : 29-06-2022

Acts Referred:

Citation : (2022) 06 KL CK 0340

Hon'ble Judges : V.G.Arun, J

Bench : Single Bench

Advocate : C.M.Mohammed Iquabal, Amminikutty K, Thomas J.Anakkallunkal

Final Decision : Allowed

Judgement

V.G.Arun, J

1. The 1st petitioner is suffering from advance liver failure and requires emergent organ transplantation surgery. The 2nd petitioner, who is not a relative, has volunteered to donate her organ. The petitioners have submitted applications before the 2nd respondent, appending all the documents stipulated under the Transplantation of Human Organs and Tissues Act, 1994 and corresponding Rules. The 2nd respondent has not referred the matter to the 1st respondent for approval, since the 3rd respondent has not issued the certificate of altruism. Hence, this writ petition.

2. Learned Counsel for the petitioners relied on the decision in Shoukathali Pullikuzhiyil and another v. The District Level Authorization Committee and Others [2017 (3) KHC 259] to contend that verification through Police and certificate of altruism is not mandatory in all cases and it is for the Authorisation Committee/first respondent to call for the report, if so warranted. Hence, the 2nd respondent is bound to accept the application and refer the matter to the 1st respondent immediately.

3. Learned Counsel for the petitioners pointed out that in similar cases, this

Court had directed the 2nd respondent to accept the application and forward the same to the 1st respondent, without insisting for certificate of altruism from the Police.

4. Learned Standing Counsel for the 2nd respondent submitted that the applications of the petitioners along with requisite documents is received, and can be forwarded to the 1st respondent, if directed so by this Court.

Considering the limited relief sought and being in agreement with the decision in Shoukathali (supra), the Writ Petition is disposed of as under:

The petitioners are permitted to submit a fresh application along with necessary documents. The 2nd respondent shall, after verifying the documents and contents of the application, forward the same to the 1st respondent within ten days of receipt of the application. The 1st respondent shall thereupon process the application and take appropriate decision within two weeks, if necessary by securing certificate of altruism from the 3rd respondent.