

(2021) 02 KL CK 0137
In the High Court Of Kerala
Case No : Writ Petition (C) No. 4731 Of 2021

Rasak And Ors

APPELLANT

Vs

District Level Authorization Committee For Transplantation Of
Human Organs And Ors

RESPONDENT

Date of Decision : 26-02-2021

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) 02 KL CK 0137

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

Bench : Single Bench

Advocate : C.M. Mohammed Iquabal, Princy Xavier, R.S.Kalkura

Final Decision : Disposed Of

Judgement

1. The 1st petitioner is a kidney patient undergoing treatment in the Medical Trust Hospital, Ernakulam, for both his kidneys and he is advised to have

transplantation of kidney. It is stated that since the kidneys of the close relatives of the 1st petitioner are not suitable for transplantation, the 2nd

petitioner has come forward to donate his kidney.

2. Petitioners submitted that though they submitted Exts.P8 and P9 applications along with all documents before the 2nd respondent, the same is not forwarded.

3. Adv.R.S.Kalkura, 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 kidney 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 kidney 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 applications Exts.P8 and 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. There shall be a further direction to the

1st respondent to examine the said applications 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 one month from the date of receipt of a copy of the judgment.