



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No.8980 of 2026

and

WMP No.9695 of 2026

1. Ravi Kumar
S/o Pitambar Ram,
chinakuri 3 No
colliery Mandir Para,
Kulti,
Barddhaman,
West Bengal 731 372
residing at
The Habitat Residency,
6, Ramasamy Road,
Thousan Lights East,
Thousand Lights,
Chennai 600 006

2. Rubi Devi
W/o Pavan Ram
Mahisona, Mahasuna,
Lakshsarai,
Bihar 811 311
residing at
The Habitat Residency,
6, Ramasamy Road,
Thousan Lights East,
Thousand Lights,
Chennai 600 006

..Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep by its Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai 600 009



2. The Authorization Committee
Rep by its Chairman,
Directorate of Medical Education,
and Research, Kilpauk,
Chennai 600 008

3. M/s Appollo Speciality Hospital
Rep by its Managing Director,
5/639 Rajiv Gandhi Saai,
Tirumalai Nagar,
Perungudi,
Chennai 600 096

..Respondent(s)

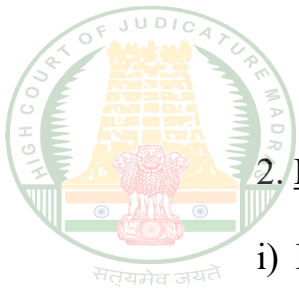
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 06.02.2026 made in K.Dis. No 003162/ H and DII / 4/ 2026 passed by the 2nd Respondent, quash the same and consequently direct the respondents to permit human transplantation of an organ from the 2nd respondents to permit human transplantation of an organ form the 2nd petitioner to the 1st petitioner by considering their application in Form 11 dated 02.02.2026.

For Petitioner(s): Mr.N.Manoharan

For Respondent(s): Mr.P.Elayaraj Kumar
Counsel for Government Side (For R1 & R2)

ORDER

The present writ petition has been filed challenging the impugned proceedings dated 06.02.2026 whereby 2nd respondent had rejected the request for approval of kidney transplantation on the premise that statement made by the patient and the donor are contradictory.



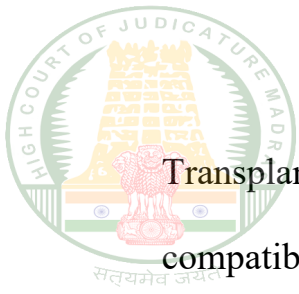
2. Brief facts:

i) Petitioner is aged about 26 years and completed his under graduate degree in Political Science in Sunder Singh Mahavidyalaya College, Bihar. Petitioner was preparing for competitive examinations. Petitioner's father is working as Pump Operator in Eastern Coalfield Limited (ECL) and petitioner's mother is a Home-maker. It is stated that they belong to a middle-class family and petitioner's father is the sole bread winner. Sometime in June 2025, petitioner had a sharp pain in his abdomen, fell short of breath and there was loss of weight.

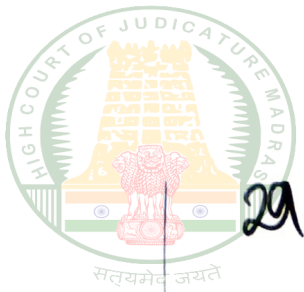
ii) In view of inadequate medical facilities in his hometown, petitioner came to Chennai for treatment, and was diagnosed with chronic kidney disease Stage V. It is stated that petitioner underwent dialysis between 14.06.2025 to 18.06.2025 and was advised to do dialysis thrice a week at West Bengal. Thereafter, petitioner returned home and continued dialysis treatment in Shri Hospital, Kulti, West Bengal. He also underwent Ayurveda treatment at Jeena Sikho HIIMS, Kolkata, however illness continued to persist.

iii) Petitioner came to Chennai for treatment again on 22.01.2026. He was advised to undergo “renal transplantation” surgery at the earliest for him to survive.

3. Learned counsel for petitioner would submit that none of the persons falling within the meaning of “near relative” in terms of Section 2(i) of the



Transplantation of Human Organs and Tissues Act, 1994, have cleared compatibility/matching test which is comprehensive including Blood Typing, Tissue Typing and Cross Match Test. Petitioner is presently stated to be undergoing dialysis twice a week in the 3rd respondent hospital. He would submit that a detailed pre-transplantation assessment was conducted to find out a suitable and willing donor. It was found that 2nd petitioner who is petitioner's paternal aunt was found to be a suitable donor. In this regard, he placed reliance on the certificate issued by the Circle Office, wherein it is stated that the petitioner (recipient) is the nephew of one Rubi Devi (donor). Petitioner and donor i.e, 2nd petitioner had undergone kinship test based on DNA analysis. The test report shows a 99% matching and shows there is genetic identity and likelihood of the claimed relationship viz., Nephew and Aunt. The relevant portions of the report is scanned and extracted below:



WEB COPY

WP No.8980 of 2



DIAGNOSTIC REPORT



agilus
diagnostics

PATIENT NAME : MR RAVI KUMAR

REF. DOCTOR : RAJA MAHESH

CODE/NAME & ADDRESS C000086277
KMS DIAGNOSTICS
NO-66, KUTTIAPPAN 1st STREET,
SANYASI PURAM, MEDAVAKKAM, KILPAULK,
CHENNAI 600010
9445372592

ACCESSION NO : 00022A038161
PATIENT ID : MRRAM2601002A
CLIENT PATIENT ID:

AGE/SEX : 26 Male
DRAWN : 24/01/2026 00:00
RECEIVED :
REPORTED : 27/01/2026 10:43

RESULT AND INTERPRETATION

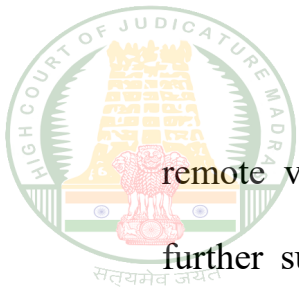
Claimed Relationship between Recipient and Donor: Nephew and Aunt

STR Locus	Allele Range	Recipient (Ravi Kumar)	Donor (Rubi Devi)	Status	Direct Index
CSF1PO	(6-15)	11, 13	11, 13	Matched	2.220
TPOX	(6-13)	10, 11	9, 11	Matched	1.010
TH01	(4-13.3)	7, 8	7, 9.3	Matched	1.160
VWA	(11-24)	17	16, 17	Matched	1.390
D16S539	(5-15)	11, 13	12, 13	Matched	1.360
D7S820	(6-15)	8, 11	8, 13	Matched	1.330
D13S317	(8-15)	8, 10	8	Matched	2.720
D5S818	(7-16)	11, 12	11, 12	Matched	1.170
FGA	(17-51.2)	22, 23	22	Matched	1.640
D8S1179	(8-19)	12, 15	12, 15	Matched	2.270
D10S51	(7-27)	12, 21	12, 14	Matched	1.480
D21S11	(24-38)	27, 29	27, 30	Matched	5.220
D3S1358	(12-19)	14, 15	15, 19	Matched	0.978
D2S1338	(5-28)	20, 23	19, 20	Matched	1.360
D19S433	(9 - 17.2)	14.2, 15	14.2, 15	Matched	8.190
Amelogenin	(XX-XY)	XY	XX	NA	NA

Based on the DNA analysis, the individuals Ravi Kumar and Rubi Devi shared the genetic markers as shown above. Of the genetic identity system tested 15 of the 15 markers matched. The likelihood ratio (6.50×10^3) is indicating the likelihood of the claimed relationship between them. Analyses were conducted in accordance with the Standards for PCR DNA analysis set forth by the AABB.

PERFORMED AT :
Agilus Diagnostics Ltd

4. Learned counsel for petitioner would submit that the impugned order has been passed by merely stating that "contradictory statements" are made by 1st and 2nd petitioner. He would submit that donor/ 2nd petitioner comes from a



remote village in Bihar and they speak a language called Magadhi. It was further submitted that they were directed to furnish translations of Magadhi language and the same was also furnished, however, the Authorisation Committee rejected the request of petitioners by merely stating that statements made by 1st and 2nd petitioners are contradictory. The petitioner would submit that rejection of petitioners request for transplantation by a cryptic/non-speaking order vitiates the entire proceeding.

5. Learned counsel for respondents would place reliance on their counter and paragraph 3 of the position note. The relevant portions of the position note is extracted hereunder:

“3. It is submitted that on 06.02.2026, the patient, donor and the donor dependent appeared in person before the Authorization Committee. Upon interviewing the parties, the Committee observed that:

i. As per the statement of the patient, he lives in West Bengal along with his family and the donor is from Bihar, but currently she reside in West Bengal and her husband and children lives in West Bengal.

ii. The patient claimed that the donor has been living with their family for the past two years and her family members used to visit them at times.

iii. On enquiring the donor, she told the committee members that she along with her family have moved to West Bengal a couple of years back and they have a small clothing business in Bihar which is now currently moved to West Bengal.

iv. The donor's family goes back to Bihar at times but not very often.



WEB COPY

v. *The donor was not able to define the education qualifications of her own children let alone the patient's educational qualification.*

vi. *As per the statement of the donor's dependent, who is the son of the donor, all the children of the donor studied in Bihar. One of his sisters is presently residing in Bihar along with their father, and the father is taking care of her.*

vii. *Despite the claim that the donor had been residing with the patient's family for a couple of years, the donor was unable to recall certain basic details relating to the patient during the course of the interview.*

viii. *The patient, the donor and the donor dependent's statements were uncorrelated and hence the committee members were not satisfied with the stated relationship between the patient and the donor.*

6. Heard both sides and perused the materials placed on record.

7. Before proceeding further it may be relevant to refer to Section 9 of Transplantation of Human Organs and Tissues Act, 1994, which reads as under:

“9.Restrictions on removal and transplantation of human organs

(1)Save as otherwise provided in sub-section (3), no human organ removed from the body of a donor before his death shall be transplanted into a recipient unless the donor is a near relative of the recipient.

.....

(3)If any donor authorises the removal of any of his [human organs or tissues or both] [Substituted for the words "human organs" by Act 16 of 2011, Section 4.] before his death under sub-section (1) of section 3 for transplantation into the body of such recipient not being a near relative as is specified by the donor by reason of affection or



WEB COPY

attachment towards the recipient or for any other special reasons, such [human organ or tissue or both] [Substituted for the words "human organ" by Act 16 of 2011, Section 4.] shall not be removed and transplanted without the prior approval of the Authorisation Committee."

(emphasis supplied)

7.1. In terms of sub-section (3) to Section 9 of Transplantation of Human Organs and Tissues Act, 1994, if the donor is not a near relative, then human organ or tissue would not be removed without prior approval of the Authorisation Committee. It may also be relevant to note that Rule 7 of the Transplantation of Human Organs and Tissues Rules, 2014, sets out the aspects which needs to be examined when the proposed donor and recipient are not near relatives, and is extracted hereunder:

"7. Authorisation Committee.— (1) The medical practitioner who will be part of the organ transplantation team for carrying out transplantation operation shall not be a member of the Authorisation Committee constituted under the provisions of clauses (a) and (b) of sub-section(4) of section 9 of the Act.

(2) When the proposed donor or recipient or both are not Indian nationals or citizens whether near relatives or otherwise, the Authorisation Committee shall consider all such requests and the transplantation shall not be permitted if the recipient is a foreign national and donor is an Indian national unless they are near relatives.

(3) When the proposed donor and the recipient are not near relatives, the Authorisation Committee shall,-

(i) evaluate that there is no commercial transaction between



the recipient and the donor and that no payment has been made to the donor or promised to be made to the donor or any other person;

(ii) prepare an explanation of the link between them and the circumstances which led to the offer being made;

(iii) examine the reasons why the donor wishes to donate;

(iv) examine the documentary evidence of the link, e.g. proof that they have lived together, etc.;

(v) examine old photographs showing the donor and the recipient together;

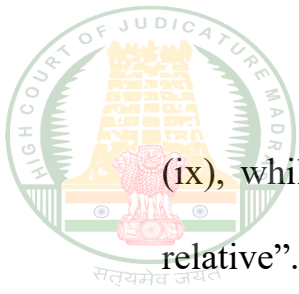
(vi) evaluate that there is no middleman or tout involved;

(vii) evaluate that financial status of the donor and the recipient by asking them to give appropriate evidence of their vocation and income for the previous three financial years and any gross disparity between the status of the two must be evaluated in the backdrop of the objective of preventing commercial dealing;

(viii) ensure that the donor is not a drug addict;

(ix) ensure that the near relative or if near relative is not available, any adult person related to donor by blood or marriage of the proposed unrelated donor is interviewed regarding awareness about his or her intention to donate an organ or tissue, the authenticity of the link between the donor and the recipient, and the reasons for donation, and any strong views or disagreement or objection of such kin shall also be recorded and taken note of.

7.2. From a reading of the above provision it would be clear that Authorisation Committee ought to consider aspects set out in Rule 7 (3)(i) to



(ix), while examining request for organ transplantation not involving a “near relative”. The impugned order merely states “contradictory statements” while rejecting petitioners request for renal transplantation. Impugned order is thus challenged on the premise that it is cryptic and non-speaking and that aspects mentioned in Rule 7 of the aforesaid Rules has not been examined.

8. This Court finds merit in the submission of the learned counsel for petitioner, it has been held by this Court that the Authorisation Committee ought to assign cogent and convincing reasons while denying permission for organ transplantation. However, in the case on hand, request for renal transplantation is rejected by merely stating "contradictory statements" i.e., by 1st and 2nd petitioner. What is the contradiction in the statement by 1st and 2nd petitioner which prompted the Authorisation Committee to arrive at the conclusion as not satisfying the parameters in terms of Rule 7 of the Transplantation of Human Organs and Tissues Rules, 2014, has not been disclosed. In fact, the Position Note placed before this Court is an attempt to improve the impugned order/communication, which is impermissible.¹

9. This Court would think that if petitioners request for transplantation is sought to be rejected, petitioner ought to have been put on notice of reasons for such proposed rejection and an opportunity of hearing afforded to offer his

1. Mohinder Singh Gill and Anr v. The Chief Election Commissioner, New Delhi and others, AIR 1978 SC 851



explanation. Further impugned order of rejection ought to have set out cogent reasons for rejecting the request for organ transplantation after affording an opportunity of hearing to the recipient and the donor which impugned order fails to do. In view thereof this Court finds that the impugned order is clearly arbitrary and liable to be set aside. In this regard it may be relevant to refer to the following judgment of this Court in W.P.No.13642 of 2024, dated 31.05.2024, wherein it was held as under:

"8. In the case on hand, Form 11 application submitted by the petitioner and the prospective donor was rejected by assigning the following reason "photo evidence and statement are grossly contradictory". In the decision reported in 2008 MLJ (4) 1044 (S.Samson Vs. Authorisation Committee for Implementation of Human Organ Transplantation), it was held that opportunity of personal hearing must be given. There is a reason for this. If an adverse order is passed, an element of disqualification is attached to the donor. The rights of the patient are at stake. That is why, it is necessary to comply with the principles of natural justice. If any doubt crosses the minds of the members of the committee, the applicants must be put on notice and given an opportunity to explain. In this case, the reason assigned is cryptic. It does not shed any light. The petitioner was not given any opportunity to explain the so~call contradiction noticed by the committee. There has been a gross violation of principles of natural justice. "



9.1. Yet another aspect, which needs to be noted is that it is not in dispute that petitioner comes from a middle class family and the transplantation is not a commercial transaction, it appears petitioner is not in a financial position to afford to pay for the organ which is sought to be donated by the 2nd petitioner, who is none other than 1st petitioner's aunt.

10. In the light of the above discussion impugned order is set aside, Authorisation Committee viz., the 2nd respondent is directed to re-consider the matter afresh keeping in view the relevant provisions of the Act and the Rules, more particularly, Section 9 of the Transplantation of Human Organs and Tissues Act, 1994, and Rule 7 of the Transplantation of Human Organs and Tissues Act, 2014, and decide the matter after affording an opportunity of hearing to the petitioner and the donor. In the event of rejecting the request made by the petitioners, the respondents shall do so after issuing notice setting out reasons and affording an opportunity of hearing to the petitioners to deal with the reasons. If the respondents were to still proceed to reject the same he shall do so after assigning valid/ cogent reasons for such rejection. The above exercise shall be carried out within a period of ten (10) days from the date of uploading of web copy of the order without waiting for receipt of certified copy.



11. Accordingly, the writ petition stands disposed of. No costs.

Consequently, the connected miscellaneous petitions are closed.

WEB COPY

09-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MKA/SPP

To:

1. The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai-600 009.
2. The Chairman,
The Authorization Committee
Directorate of Medical Education,
and Research, Kilpauk, Chennai-600 008.
3. The Managing Director,
M/s.Appollo Speciality Hospital,
5/639 Rajiv Gandhi Saai, Tirumalai Nagar,
Perungudi, Chennai-600 096.



WEB COPY

WP No.8980 of 2



MOHAMMED SHAFFIQ J.

MKA/SPP

WP No.8980 of 2026

09-06-2026