



2025:KER:16469

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

THURSDAY, THE 27TH DAY OF FEBRUARY 2025 / 8TH PHALGUNA, 1946WP(C) NO. 7099 OF 2025PETITIONERS:

- 1 HAMZA M.
AGED 47 YEARS
S/O. MOIDEEN, MOOCHITHODI HOUSE, OORAKAM,
VENGARA P.O., MALAPPURAM DISTRICT, PIN - 676519
- 2 SHAJI M.K.
AGED 42 YEARS
S/O. K.A.KUMARAN, MEKKARAVELI LAKSHAMVEEDU,
PALLIPPURAM P.O., PANAVALLY, CHERTHALA TALUK,
ALAPPUZHA DISTRICT, PIN - 688541

BY ADV SRI.C.M.MOHAMMED IQUABAL

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO HEALTH DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 2 THE PRINCIPAL SECRETARY
DEPARTMENT OF HEALTH, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 3 THE DISTRICT LEVEL AUTHORIZATION COMMITTEE FOR
TRANSPLANTATION OF HUMAN ORGANS ERNAKULAM
REPRESENTED BY ITS CHAIRMAN, GOVERNMENT MEDICAL
COLLEGE, MEDICAL COLLEGE P.O., THRISSUR DISTRICT,
PIN - 680596

BY SMT VIDYA KURIAKOSE, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27.02.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



JUDGMENT

Dated this the 27th day of February, 2025

The writ petition is filed to direct the 2nd respondent to consider and dispose of Ext.P8 appeal within a time period.

2. The 1st petitioner is suffering from chronic kidney disease. He has been advised to undergo transplantation. The 2nd petitioner has volunteered to donate his kidney. Although, the petitioners had submitted a joint application before the 3rd respondent, the same was rejected by Ext.P7 order. Aggrieved by Ext.P7 order, the petitioners have preferred Ext.P8 appeal before the 2nd respondent on 15.02.2025. The petitioners are apprehensive that Ext.P8 appeal may not be considered immediately. Hence, the writ petition.

3. Heard; the learned counsel for the petitioners and the the learned Government Pleader.



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4. The learned Government Pleader submitted that, Ext.P8 appeal has been received by the 2nd respondent.

5. On a consideration of the facts and the materials on record, particularly that Ext.P8 appeal is pending consideration before the 2nd respondent, without expressing anything on the merits of Ext.P8, I direct the 2nd respondent to consider and dispose of Ext.P8 appeal, in accordance with law and as expeditiously as possible, at any rate, within a period of two weeks from the date of production of a copy of this judgment.

The writ petition is ordered accordingly.

Sd/-
C.S.DIAS
JUDGE

NAB



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APPENDIX OF WP(C) 7099/2025

PETITIONER EXHIBITS

- EXHIBIT P1 THE TRUE COPY OF THE DETAILS OF THE CLOSE
RELATIVES SUBMITTED BEFORE THE 3RD
RESPONDENT DATED 18.12.2024
- EXHIBIT P2 THE TRUE COPY OF THE IDENTIFICATION
CERTIFICATE OF THE DONOR AND HIS WIFE
DATED 28.11.2024
- EXHIBIT P3 THE TRUE COPY OF THE CERTIFICATE ISSUED
BY THE PRESIDENT OF OORAKAM GRAMA
PANCHAYATH DATED 18.12.2024
- EXHIBIT P4 THE TRUE COPY OF THE CONSENT OF THE 2ND
PETITIONER DATED 04.12.2024
- EXHIBIT P5 THE TRUE COPY OF THE FORM 3 APPLICATION
OF THE PETITIONERS DATED 15.12.2024
- EXHIBIT P6 THE TRUE COPY OF THE FORM 11 APPLICATION
OF THE PETITIONERS DATED 15.12.2024
- EXHIBIT P7 THE TRUE COPY OF THE ORDER ISSUED BY THE
3RD RESPONDENT DATED 13.02.2025
- EXHIBIT P8 THE TRUE COPY OF THE APPEAL SUBMITTED BY
PETITIONERS BEFORE THE 2ND RESPONDENT
DATED 15.02.2025
- EXHIBIT P9 THE TRUE COPY OF THE E-MAIL RECEIPT DATED
17.02.2025