

Priya, vs the State of Kerala,

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Court : Kerala

Decided On : Jan-31-2022

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/2445/2022

Appellant : PRIYA,

Respondent : The State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH MONDAY,
THE 31ST DAY OF JANUARY 2022/11TH MAGHA, 1943 WP(C) NO.
2445 OF 2022 PETITIONER: PRIYA, AGED 38 YEARS,
W/O.SANTHOSH, PUNNAPULLY HOUSE, KALAMURI,
KAIPAMANGALAM P.O., THRISSUR DISTRICT, PIN-680 681. BY
ADVS. K.V.JAYADEEP MENON T.P.RAMESH (THENGUMPILLIL)
JINS.P.JOHN P.KRISHNAPRIYA AKSHAY SHAJI T.S P.RAJEEVE
VAISHAKH M.S RESPONDENTS: 1 THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY, HEALTH DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695
001.

2 THE DISTRICT LEVEL AUTHORIZATION FOR TRANSPLANTATION OF HUMAN ORGANS, NORTH ZONE, REPRESENTED BY ITS CHAIRMAN, GOVERNMENT MEDICAL COLLEGE, KOZHIKODE, MEDICAL COLLEGE JUNCTION, 17, MAVOOR ROAD, KOZHIKODE, PIN-673 008. 3 THE LOCAL LEVEL COMMITTEE FOR RENAL TRANSPLANTATION, REPRESENTED BY ITS CHAIRMAN/MEDICAL DIRECTOR, ASTER MIMS HOSPITAL, MINI BYPASS ROAD, GOVINDAPURAM, KOZHIKODE DISTRICT, PIN-673 016. BY ADVS. SRI.APPU P.S., G.P. SRI.S.S.ARAVIND (APPEARS FOR R3) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 31st day of January, 2022 The petitioner is a donor of human organ, who has agreed to donate a portion of her liver to a patient, who is suffering from chronic liver disease. The said patient needs liver transplantation.

2. The petitioner has approached this Court seeking

to declare that the 3rd respondent has no authority to call for a Police Verification Report in an application submitted before the 2nd respondent through the 3rd respondent as per Rule 10 of the Transplantation of Human Organs and Tissues Rules, 2014. According to the petitioner, the 3 rd respondent is holding the application submitted by the petitioner without forwarding it to the 2 nd respondent for lack of Police Verification Report.

3. The petitioner therefore seeks to direct the 3 rd respondent to accept Ext.P1 joint application and other documents without insisting for Police Verification Report.

4. When this writ petition came up for hearing today,

the learned counsel representing the 3rd respondent submitted that the application submitted by the petitioner along with the supporting documents has already been

forwarded to the 2nd respondent and it is for the 2nd respondent to take a decision in the matter now.

5. I have heard the learned counsel for the petitioner,

the learned Government Pleader representing respondents 1 and 2 and the learned counsel for the 3rd respondent. In view of the fact that the 3rd respondent has forwarded the application for liver transplantation to the 2nd respondent, the writ petition is disposed of directing the 2nd respondent to take a decision on the application submitted by the petitioner within a period of two weeks. Sd/- N. NAGARESH JUDGE ncd/31.01.2022 APPENDIX OF WP(C) 2445/2022 PETITIONER'S EXHIBITS Exhibit P1 A TRUE PHOTOCOPY OF THE JOINT

APPLICATION IN FORM 3 OF THE TRANSPLANTATION OF HUMAN ORGANS AND TISSUES RULES 2014 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT DATED 10.01.2022. Exhibit P2 A TRUE PHOTOCOPY OF THE APPLICATION FOR THE APPROVAL OF TRANSPLANTATION FROM LIVING DONOR UNDER FORM 11 OF THE TRANSPLANTATION OF HUMAN ORGANS AND TISSUES RULES, 2014 DATED 10.01.2022 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT.

Exhibit P3 A TRUE PHOTOCOPY OF THE AFFIDAVIT DATED 18.01.2022 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT. Exhibit P4 A TRUE PHOTOCOPY OF THE AFFIDAVIT DATED 18.01.2022 SUBMITTED BY THE RECIPIENT TO THE 3RD RESPONDENT. Exhibit P5 A TRUE PHOTOCOPY OF THE CERTIFICATE DATED 20.01.2022 ISSUED BY THE MEMBER OF PARLIAMENT THRISSUR CONSTITUENCY. Exhibit P6 A TRUE PHOTOCOPY OF THE CERTIFICATE DATED 12.01.2022 ISSUED BY THE WARD MEMBER, KAIPAMANGALAM GRAMA PANCHAYATH.

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