SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Joji Babu vs the District Level Authorization Committee

Joji Babu vs the District Level Authorization Committee

SooperKanoon Citation : sooperkanoon.com/1917321

Court : Kerala

Decided On : Jun-06-2019

Judge : Honourable Mr. Justice Shaji P.Chaly

Appeal No. : WP(C)/13278/2019

Appellant : Joji Babu

Respondent : The District Level Authorization Committee

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SHAJI P.CHALY THURSDAY, THE 06TH DAY OF JUNE 2019 / 16TH JYAISHTA, 1941 WP(C).No. 13278 of 2019 PETITIONER/S: JOJI BABU, AGED 27 YEARS, S/O.K.K.BABU,KURISHINKAL VEEDU, MANJELIPADAM,EROOR WEST.P.O, TRIPUNITHURA,ERNAKULAM DISTRICT. BY ADV. SRI.C.M.MOHAMMED IQUABAL RESPONDENT/S: 1 THE DISTRICT LEVEL AUTHORIZATION COMMITTEE FOR TRANSPLANTATION OF HUMAN ORGANS, ERNAKULAM,ERNAKULAM MEDICAL COLLEGE HOSPITAL, KALAMASSERY, PIN-683104, REPRESENTED BY ITS CHAIRMAN. 2 LOCAL APPROVAL COMMITTEE OF ORGAN TRANSPLANTATION,

MEDICAL TRUST HOSPITAL LIMITED, ERNAKULAM, PIN-682 016, REPRESENTED BY ITS CHAIRMAN. 3 THE DEPUTY SUPERINTENDENT OF POLICE, ALAPPUZHA, POST ALAPPUZHA, ALAPPUZHA DISTRICT, PIN-688 001. R2 BY ADV. SRI.R.S.KALKURA R1 & R3 BY SMT.B VINITHA,GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06.06.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 13278 of 2019 2

JUDGMENT

This writ petition is filed by the petitioner seeking the following reliefs:-

a) Issue a Writ of Mandamus or any other appropriate writ, order or direction directing the respondents 1 and 2 to take immediate and effective steps to issue approval for unrelated kidney transplantation as per Ext.P5 application within a time stipulated by this Hon'ble Court. And
b) Pass any other appropriate writ, order or direction which this Hon'ble Court may deem fit to issue and the petitioner may pray from time to time.

2. The subject issue relates to the Kidney

transplantation which the petitioner has to undergo and he is undergoing treatment for kidney problem at the 2nd respondent hospital. Application is submitted by the petitioner before the 2nd respondent seeking to forward the same to the 1st respondent who is the authorized authority to sanction the offer made by the donor. Case projected by the petitioner is that, in spite of earnest efforts of the petitioner, application is not forwarded by the 2nd respondent.

3. I have heard learned counsel for the petitioner,

WP(C).No. 13278 of 2019 3 learned Government Pleader as well as the Counsel appearing for the 2nd respondent and perused the pleadings and the documents on record.

4. Learned counsel appearing for the 2 nd respondent

submitted that, there was some defect in the application submitted by the petitioner, which caused reasonable delay and now the application is complete in all respects and it will be forwarded within a reasonable time.

5. That being the situation, there will be a

direction to the 2nd respondent to forward the application to the 1st respondent at the earliest and at any rate, within a week from the date of receipt of a copy of this judgment and on receipt of the same, it shall be processed and finalized by the 1 st respondent at the earliest possible and at any rate, within a week thereafter. The writ petition is disposed of accordingly. Sd/- SHAJI P.CHALY JUDGE uu 06.06.2019 WP(C).No. 13278 of 2019 4 APPENDIX PETITIONER'S/S EXHIBITS: EXHIBIT P1 THE TRUE COPY OF THE IDENTIFICATION HUSBAND DATED 1.2.2019 EXHIBIT P2 THE TRUE COPY OF THE IDENTIFICATION MOTHER DATED 1.2.2019

EXHIBIT P3 THE TRUE COPY OF THE CERTIFICATE ISSUED BY THE CHAIRPERSON OF TRIPUNITHURA MUNICIPALITY DATED 13.2.2019. EXHIBIT P4 THE TRUE COPY OF THE AFFIDAVIT DONOR DATED 25.02.2019. EXHIBIT P5 THE TRUE COPY OF THE APPLICATION DONOR DATED 1.4.2019.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com