

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 4TH DAY OF APRIL 2022/14TH CHAITHRA, 1944

WP(C) NO. 11664 OF 2022

PETITIONERS:

- 1 BABU V.U., AGED 56 YEARS,
S/O. UNNI, VIYYATH HOUSE,
MANNUTHY P.O.,
THRISSUR DISTRICT, PIN - 680 651.
- 2 SHERLY DILEEP, AGED 36 YEARS,
W/O. DILEEP, THEVARKKULAM,
VILLADAM, RAMAVARMAPURAM P.O.,
THRISSUR DISTRICT,, PIN - 680 631.

BY ADV C.M.MOHAMMED IQUABAL

RESPONDENTS:

- 1 THE DISTRICT LEVEL AUTHORIZATION COMMITTEE *
FOR TRANSPLANTATION OF HUMAN ORGANS,
KOZHIKODE, GOVERNMENT MEDICAL COLLEGE,
KOZHIKODE PIN 673 008
REPRESENTED BY ITS CHAIRMAN.

* THE NAME OF THE 1ST RESPONDENT IS SUBSTITUTED AS
PER ORDER DATED 04.04.2022 IN I.A. NO.1/2022 AS
"THE DISTRICT LEVAEL AUTHORIZATION COMMITTEE FOR
TRANSPLANTATION OF HUMAN ORGANS, ALAPPUZHA,
ALAPPUZHA MEDICAL COLLEGE HOSPITAL,
ALAPPUZHA P.O., PIN 688 005,
REPRESENTED BY ITS CHAIRMAN" INSTEAD OF
THE DISTRICT LEVEL AUTHORIZATION COMMITTEE
FOR TRANSPLANTATION OF HUMAN ORGANS,
KOZHIKODE, GOVERNMENT MEDICAL COLLEGE,
KOZHIKODE PIN 673 008
REPRESENTED BY ITS CHAIRMAN.

- 2 THE CONVENER,
LOCAL COMMITTEE OF ORGAN TRANSPLANTATION,
ASTER MEDCITY, CHERANALLOOR,
KOCHI, PIN - 682 027.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
OLLOOR, OLLLOOR P.O.,
THRISSUR DISTRICT, PIN - 680 306.

BY ADVS.
SMT.PARVATHY KOTTOL, G.P.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 04.04.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 4th day of April, 2022

This writ petition is filed seeking the following relief :-

“Issue a writ of mandamus or any other appropriate writ, order or direction directing respondents 1 and 2 to take immediate and effective steps to issue approval for unrelated liver transplantation as per Ext.P6 application within a time stipulated by this Hon'ble Court.”

2. Heard the learned counsel for the petitioners and the learned Government Pleader appearing for respondents 1 and 3.

3. It is submitted by the learned counsel for the petitioners that though an application had been preferred before the 2nd respondent for effecting an unrelated liver transplant, it has not been forwarded by the 2nd respondent on the ground that it is not accompanied by a Certificate from the 3rd respondent. It is submitted by the learned

counsel for the petitioners that the verification by the 3rd respondent is not a condition precedent for forwarding of the application and the 1st respondent, who is the Authority under the enactment, can call for reports from the 3rd respondent, if required.

4. Having considered the contentions advanced and having heard the learned counsel appearing on either side, I am of the opinion that the application preferred by the petitioners is liable to be considered expeditiously by the 1st respondent in accordance with law.

5. Accordingly, there will be a direction to the 2nd respondent to forward Ext.P6 application to the 1st respondent for consideration, at the earliest. The 1st respondent shall conduct all due verifications including by reference to the 3rd respondent, if found necessary, and shall pass appropriate orders after considering all relevant aspects of the matter. Orders shall be passed within a

period of three weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-
N. NAGARESH
JUDGE

ncd/04.04.2022

APPENDIX OF WP(C) 11664/2022

PETITIONERS' EXHIBITS

Exhibit P1	THE TRUE COPY OF THE IDENTIFICATION CERTIFICATE OF THE PETITIONERS DATED 22.03.2022
Exhibit P2	THE TRUE COPY OF THE CERTIFICATE ISSUED BY THRISSUR M.P. DATED 24.03.2022
Exhibit P3	THE TRUE COPY OF THE JOINT AFFIDAVIT OF PETITIONERS ALONG WITH HUSBAND OF 2ND PETITIONER DATED 21.03.2022
Exhibit P4	THE TRUE COPY OF THE AFFIDAVIT OF 2ND PETITIONER DATED 21.03.2022
Exhibit P5	THE TRUE COPY OF THE CONSENT OF THE HUSBAND OF THE 2ND PETITIONER DATED 21.03.2022
Exhibit P6	THE TRUE COPY OF THE APPLICATION OF THE PETITIONERS DATED 24.03.2022
Exhibit P7	THE TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT DATED 18.03.2022