

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

TUESDAY, THE 9TH DAY OF APRIL 2024 / 20TH CHAITHRA, 1946

WP(C) NO. 13016 OF 2024

PETITIONERS:

- 1 PAUL VARGHESE M.
AGED 53 YEARS
S/O. VARGHESE, MAZHUVANNUPARAMBIL HOUSE,
MONAPPILLY, PUTHENCRUZ P.O., ERNAKULAM, PIN - 682 308
- 2 JINIMOL K.
AGED 25 YEARS
W/O. RAHUL R., SIVAKRIPA HOUSE,
MATRUKA LANE, MARKET ROAD,
TRIPUNITHURA P.O., ERNAKULAM, PIN - 682 301

BY ADVS.
C.M.MOHAMMED IQUABAL
P.ABDUL NISHAD
RAIHANATH T.H.
MUHAMMED AMEEN
ISTINAF ABDULLAH
ANGEL MARY GEORGE

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO HEALTH DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN -695 001
- 2 THE PRINCIPAL SECRETARY
DEPARTMENT OF HEALTH, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001
- 3 THE DISTRICT LEVEL AUTHORIZATION COMMITTEE FOR
TRANSPLANTATION OF HUMAN ORGANS ERNAKULAM,
REPRESENTED BY ITS CHAIRMAN,
GOVERNMENT MEDICAL COLLEGE, H.M.T. COLONY P.O.,
KALAMASSERY, KOCHI, PIN - 683 503

SRI. SUNIL KUMAR KURIAKOSE. GP.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

T.R.RAVI.J

WP(C) No.13016 of 2024

Dated this the 09th day of April, 2024

JUDGMENT

The petitioner is aggrieved by the decision taken by the concerned authority and the appellate authority on the request made for renal transplantation. A doubt has been expressed as to the genuineness of the donor and whether it is in an altruistic act.

2. The petitioner has now produced additional documents showing that the donor and his wife were residing in Tripunithura from 2020 onwards to contend that the petitioner knew the recipient. These are documents which were not available when the matter was considered by the appropriate authority.

3. In the above circumstances, this writ petition is disposed of directing the 3rd respondent to reconsider the issue, after hearing the petitioner. The petitioner may submit the additional documents before the 3rd respondent for consideration. For the purpose of reconsideration, the orders which have been issued now are set aside. Necessary action shall be taken within one month from the date of receipt of a copy of this judgment.

Sd/-

T.R.RAVI

JUDGE

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APPENDIX OF WP(C) 13016/2024

PETITIONERS' EXHIBITS

Exhibit P1	THE TRUE COPY OF CERTIFICATE ISSUED BY ASSISTANT COMMISSIONER OF POLICE, THRIKKAKARA DATED 24.01.2024
Exhibit P2	THE TRUE COPY OF CERTIFICATE ISSUED BY THE KUNNATHUNADU M.L.A. DATED 19.01.2024
Exhibit P3	THE TRUE COPY OF IDENTIFICATION CERTIFICATE OF DONOR AND HER SISTER-IN-LAW DATED 03.02.2024
Exhibit P4	THE TRUE COPY OF IDENTIFICATION CERTIFICATE OF DONOR AND HER HUSBAND DATED 03.02.2024
Exhibit P5	THE TRUE COPY OF THE PHOTOGRAPHS OF THE MARRIAGE OF THE 2ND PETITIONER
Exhibit P6	THE TRUE COPY OF THE CERTIFICATE OF MARRIAGE ISSUED BY THE PALAKKAD MUNICIPALITY DATED 31.01.2024
Exhibit P7	THE TRUE COPY OF THE BIRTH CERTIFICATE OF RIYANSH R., THE SON OF THE DONOR DATED 05.01.2018
Exhibit P8	THE TRUE COPY OF THE BIRTH CERTIFICATE OF JANVI R., THE DAUGHTER OF THE DONOR DATED 19.01.2022
Exhibit P9	THE TRUE COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE ON OF THE DONOR DATED 16.04.2014
Exhibit P10	THE TRUE COPY OF THE AFFIDAVIT OF THE PETITIONERS ALONG WITH THE HUSBAND OF DONOR DATED 27.01.2024
Exhibit P11	THE TRUE COPY OF THE CONSENT OF THE DONOR DATED 27.01.2024
Exhibit P12	THE TRUE COPY OF THE CONSENT OF THE HUSBAND OF THE DONOR DATED 27.01.2024
Exhibit P13	THE TRUE COPY OF THE CONSENT OF THE SISTER-IN-LAW OF THE DONOR DATED 02.02.2024
Exhibit P14	THE TRUE COPY OF THE AFFIDAVIT OF THE DONOR DATED 29.01.2024

Exhibit P15	THE TRUE COPY OF JOINT APPLICATION (FORM 3) FOR APPROVAL FOR TRANSPLANTATION FROM LIVING DONOR DATED 29.01.2024
Exhibit P16	THE TRUE COPY OF JOINT APPLICATION (FORM 11) FOR APPROVAL FOR UNRELATED RENAL TRANSPLANTATION DATED 07.02.2024
Exhibit P17	A TRUE COPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT DATED 01.03.2024
Exhibit P18	THE TRUE COPY OF THE JUDGMENT IN W.P.(C).NO. 9322/2024 OF THIS HON'BLE COURT DATED 07.03.2024
Exhibit P19	THE TRUE COPY OF THE APPEAL PREFERRED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT DATED 10.03.2024
Exhibit P20	THE TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 23.03.2024
Exhibit P21	THE TRUE COPY OF THE AFFIDAVIT OF RAHUL, S/O. RADHAKRISHNAN DATED 08.04.2024
Exhibit P22	THE TRUE COPY OF THE RENT AGREEMENT BETWEEN KRISHNENDU T.P. AND RAHUL R. DATED 24.11.2020

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

PA TO JUDGE