



W.P.No.35940 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.35940 of 2025

A.Kasthuri

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai – 600 009.

2.The Directorate of Medical Education,
Rep. by the Director of Medical Education,
162, Periyar E.V.R. High Road,
Kilpauk, Chennai – 600 010.

3.The Dean,
The Government Stanley Medical College and Hospital,
No.1, Old Jail Road,
Chennai – 600 001.

4.The Head of Department,
Nephrology Department,
The Government Stanley Medical College and Hospital,
No.1, Old Jail Road, Chennai – 600 001.

5.The Inspector of Police,
SIPCOT Police Station,
Tiruvallur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondent No.3 and 4 herein to conduct the renal transplantation for the petitioner's minor son Joshua, aged about 13 years without insisting for the consent from the



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father of the child within a stipulated timeline fixed by this Court.

For Petitioner : Mr.B.M.Subash

For Respondents : Mr.E.Sundaram

Government Advocate [R1 to R4]

Mr.S.Balaji

Government Advocate (Crl.Side) [R5]

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Mandamus, to direct the respondents 3 and 4 to conduct the renal transplantation for the petitioner's minor son Joshua, aged about 13 years without insisting for the consent from the father of the child within a stipulated timeline fixed by this Court.

2. Mr.E.Sundaram, learned Government Advocate, accepts notice on behalf of the respondents 1 to 4 and Mr.S.Balaji, learned Government Advocate (Crl.Side), accepts notice on behalf of the 5th respondent. In view of the consent expressed by the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that she married to one Ayyappan on 27.08.2010 and out of their wedlock, one male child, namely Joshua was born to them. During the year 2017, the petitioner's husband deserted them and the petitioner has been raising her son with the help of her



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brother. During the month of March, 2025, the petitioner's son was diagnosed to have Chronic Kidney Disease Stage – V and taking treatment of Continuous Ambulatory Peritoneal Dialysis (CAPD) for the last few months. While this being the case, the 4th respondent has issued a letter dated 05.05.2025 stating that the petitioner's husband has to give consent and sign the document for legal purposes for renal transplantation under the provisions of the Transplantation of Human Organs and Tissues Act, 1994. Hence, the insistence on the petitioner for getting the consent of the petitioner's husband is arbitrary, unreasonable and violative of the minor child's right to life guaranteed under Article 21 of the Constitution of India. Therefore, the petitioner has filed this writ petition before this Court for appropriate orders.

4. Though very many grounds have been raised in this writ petition, learned counsel appearing for the petitioner submits that, it would suffice, if this Court issues a direction to the respondents 3 and 4 to conduct the renal transplantation for the petitioner's minor son Joshua, without insisting for the consent from the father of the child, within a time frame that may be fixed by this Court.

5. The learned Government Advocate appearing for the



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respondents 1 to 4 submits that the request of the petitioner will be considered and appropriate care will be given to the petitioner's son for his treatment with the respondent-hospital. Further, he submitted that a meeting of the respondent-Hospital is going to be conducted tomorrow (19.09.2025) and in the meeting, appropriate decision will be taken in respect of the treatment of the petitioner's son.

6. Recording the same, this Writ Petition is disposed of, with a direction to the respondents 3 and 4 to give appropriate treatment for renal transplantation to the petitioner's son Joshua forthwith, without insisting any unreasonable demand from the petitioner, within a period of two (2) weeks from the date of receipt of a copy of this order. No costs.

18.09.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
sp

Note : Issue order copy on 18.09.2025.



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- To
- 1.The Secretary to Government,
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M.DHANDAPANI, J.

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