



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 29161 OF 2025 (GM-RES)

BETWEEN:

...PETITIONER

(BY SRI. SRIPADA VENKATA JOGA RAO, ADVOCATE)

AND:

1. THE CHAIRPERSON
HOSPITAL BASED AUTHORIZATION COMMITTEE (HBAC)
CONSTITUTED UNDER RELEVANT PROVISIONS OF THE
TRANSPLANTATION OF HUMAN ORGANS AND TISSUES
ACT, 1994 AND RULES, 2014
MANIPAL HOSPITAL, NO 98,
HAL AIRPORT ROAD, BENGALURU - 560017

2. MANIPAL HOSPITAL,
#98, HAL AIRPORT ROAD,
BENGALURU-560017
REPRESENTED BY AUTHORIZED SIGNATORY

...RESPONDENTS

(BY SRI.H.MUJTABA, ADVOCATE FOR
SRI. K R LAKSHMANA RAO, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO DIRECT TO THE RESPONDENT
TO GRANT APPROVAL TO PETITIONER TO DONATE ONE OF HER





KIDNEYS ALTRUISTICALLY TO ANY DESERVING PATIENT AT RESPONDENT HOSPITAL.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The Petitioner is before this Court seeking for the following reliefs;

a. Issue a Writ of Certiorari or any other appropriate writ or direction, to the respondent to grant approval to petitioner to donate one of her kidneys altruistically to any deserving patient at respondent hospital.

b. Pass such other writ/direction or order as this Hon'ble Court deems fit to grant in the interests of justice and equity.

2. This is one of the rare cases where the Petitioner has approached this Court to donate her kidney to any deserving person as an "altruistic donor" without seeking for any compensation of any nature. An application having been made to the Respondents, the said application was not considered, probably under the misconception that, without the



Respondents knowing about it, the Petitioner and the donee may have entered into any kind of transaction or arrangement.

3. The submission of Sri.Sripada Venkata Joga Rao, learned counsel for the Petitioner on instructions of the petitioner, who was present before this Court, is that the Petitioner is not making any choice as regards who the donee has to be. The donee could be identified by the hospital concerned, and so long as all the tests and matches are made, the donor has no objection for donating one of her kidneys without compensation. It is in that background that Respondents were called upon to verify if there were any other persons who qualified to receive the donation on the part of the Petitioner, inasmuch as there were tests that needed to be conducted before such a donation could be made.



4. Today, a memo with a report on enclosures has been filed by the respondents. Learned counsel for respondents indicates that 5 unrelated persons have been identified who could likely match the donor's kidney and receive it without harm, and whose bodies may accept the kidney without rejection. He, however, submits that further tests are to be carried out to ensure the matching of the kidneys and other parameters/factors. He submits that the said process would take approximately 3 to 4 weeks to complete.
5. The urgency expressed by the Petitioner for the donation of her kidney was due to a family history of diabetes, which is more likely to affect the kidney at an early stage, making the Petitioner's donation unviable. The Petitioner being a Doctor by profession, major in age, and knowing all the aspects relating to the donation of the kidney, I am of the considered opinion that when she has come forward for donating her kidney of her own free will and volition, being



aware of all the aspects relating thereto, her request has to be given due credence and accepted and put in action.

6. In that view of the matter, I pass the following:

ORDER

- i. Writ petition is ***allowed***.
- ii. The Respondent-Hospital is directed to carry out such tests on the possible donees as are required to be conducted and ascertain which of the donees would be a suitable donee for receiving the kidney of the Petitioner without it being rejected by the body. On such tests being conducted, place the same before Respondent No.1 for approval, which Respondent No.1 shall consider in terms of this direction and pass necessary orders within one week of such submission.



- iii. The rest of the procedures to be carried out in terms of the applicable procedure and as mandated by Respondent No.1.

SD/-
(SURAJ GOVINDARAJ)
JUDGE

KTY
List No.: 3 SI No.: 20