



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP-8470-2025**

Date of Decision : **27.03.2025**

**PARVEENA AKHTER AND OTHERS**

.....Petitioners

***VERSUS***

**STATE OF HARYANA AND OTHERS**

.....Respondents

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Viren Sibal, Advocate  
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana  
for respondent no.1.

Mr. Sanjeev Kaushik, Advocate and  
Mr. Divyanshu Kaushik, Advocate  
for respondent no.2-PGI.

None for respondent no.3.

**KULDEEP TIWARI, J.(Oral)**

1. Petitioner no.3, who is a minor daughter, aged 16, of petitioners no.1 and 2, approached this Court for granting permission to donate segment of her liver to her ailing father (petitioner no.2), who is suffering from life threatening disease i.e. liver cirrhosis.

2. The grievance which propelled the petitioner to file the instant writ petition cast under Article 226/227 of the Constitution of India, is the indolent and lackadaisical approach of respondent no.2, in not granting permission to petitioner no.3 to donate liver segment to his

father (petitioner no.2). Therefore, through the instant petition, prayer is made for issuance of a *mandamus* upon respondent no.2 to forthwith decide the representation (Annexure P-5) so preferred by the petitioners.

3. What surge forth in the instant petition is that, the petitioner no.2-Hilal Ahmad Bhat, aged 47, is suffering from liver cirrhosis, and considering the advance stage of the disease, he has been recommended by the doctors concerned, to undergo liver transplant for his survival. Petitioner no.1, who is a wife of petitioner no.2, has in fact found to be medically unfit to donate liver, as she is suffering from various ailments, whereas, petitioner no.3, who is a minor daughter, aged 16 years, found to be medically fit to donate the liver segment, however, in view of the Transplantation of Human Organs and Tissues Rules, 2014, the approval of appropriate authority is required.

4. Upon notice, Mr. Sanjeev Kaushik, Advocate, has caused appearance on behalf of respondent no.2. He submits that the State Government by issuing a notification dated 21.09.2011, has constituted a District Level Authorisation Committee to carry out the function as per rules, and to extend permission for transplant of human organs. He has also placed on record a photocopy of said notification. The relevant extract of the said notification is extracted hereinafter:-

“No.46/33/2011-SHBII -In supersession of Notification No.46/3/95-SHBII dated 10th October, 2005 and in exercise of the powers conferred by Section 6-A. Sub-Section (2) (B) of the Transplantation of Human Organ Act, 1994( 42 of 1994). Rules 1995 and amended Rules, 2008, the State Government hereby constitutes Distt. Level Authorization Committee for each District to carry out the functions as per the Act. The composition of the Committee is as under :-

1. Civil Surgeon

Chairman

2. i. Principal Medical Officer/Medical

- |  |           |
|--|-----------|
| Superintendent of the Hospital.  | Panchkula |
| ii. Senior most physician/surgeon/or<br>in their absence any Senior Specialist.  | Member    |
| 3. Two Senior Citizens, (one lady) to be<br>nominated by Deputy Commissioner of the<br>District as per the clause 6 (2) (B) (c) of<br>the Human Organ Act. | Member    |
| 4. i. Secretary, Health nominee-Additional Deputy<br>Commissioner of the District  | Member    |
| ii. DGHS nominee-Deputy Civil Surgeon<br>(Medical) of the District   | Member”   |
5. He finally submits that petitioner has not impleaded the Authorisation Committee, District Gurugram, as a party in array of respondents. Therefore, the instant petition is bad for non-joinder of necessary party.
6. Therefore, at this stage, learned counsel for the petitioner made an oral request to implead, the Authorisation Committee, District Gurugram, in array of respondents, as respondent no.4.
7. Asked for request is accepted, and the Authorisation Committee, District Gurugram, is ordered to be impleaded as respondent no.4. The Registry is directed to make necessary corrections in the memo of parties.
8. Since Mr. Sanjeev Kaushik, Advocate, is also representing respondent no.4-the Authorisation Committee, District Gurugram, therefore, no notice is required to be served.
9. He submits that the Authorisation Committee, District Gurugram, has already set into motion after receipt of an advance copy of the instant petition, and they are in the process of collecting all the necessary documents from respondent no.3 (treating hospital).

10. Today, there is no representation on behalf of respondent no.3.

11. Considering the sensitivity of the instant issue, and without asking for any formal reply from the respondents, this Court deems it fit and appropriate to pass a *mandamus* upon the newly added respondent no.4-the Authorisation Committee, District Gurugram, to forthwith decide the representation (*supra*), of the petitioners, wherethrough permission has been sought by petitioner no.3 to donate segment of her liver to his father petitioner no.2.

12. Further a *mandamus* is also passed upon respondent no.3 (treating hospital) to ensure the availability of every medical record pertaining to petitioners no.2 and 3, which are essential for making apt decision by respondent no.4-the Authorisation Committee, District Gurugram. In case the respondent no.3, shows any dereliction in compliance to the directions issued by this Court, strict action will follow.

13. **Disposed of** accordingly.

A copy of this order be handed over to learned counsel for the parties concerned, under the signature of the Bench Secretary.

**March 27, 2025**  
*dharamvir*

**(KULDEEP TIWARI)**  
**JUDGE**

Whether speaking/reasoned. : Yes/No  
Whether Reportable. : Yes/No