



W.P(MD)No.22623 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P(MD)No.22623 of 2025
and
W.M.P(MD)No.17736 of 2025**

S.N.Sathishwaran

... Petitioner

vs.

- 1.The Chief Secretary to the Government of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai - 600 009.
- 2.The Additional Chief Secretary
to the Government of Tamil Nadu,
Department of Home, Prohibition and Excise,
Secretariat, Fort St. George,
Chennai - 600 009.
- 3.The Secretary to Government,
Ministry of Home Affairs,
Government of India,
North Block, New Delhi - 110 001.

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- 4.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.
- 5.The District Superintendent of Police,
Sivagangai District,
Collectorate Complex,
Manamadurai - Thanjavur road,
Sivagangai - 630 562.
- 6.Dhanalakshmi Srinivasan,
Medical College & Hospital,
Siruvachur,
Perambalur – 621 113.
- 7.Cether Hospital,
No-C-108 Fort Station Road 5th Cross Road East,
Thillai Nagar Main Road,
Tiruchirappalli – 620 018.
- 8.The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai-9.
- 9.The Director of Medical and Rural Health Services,
DMS Compound,
Thenampet,
Chennai-6.



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10. National Organ & Tissue Transplant Organisation,
Represented by its Director,
4th & 5th Floor, National Institute of Pathology Building,
Safdarjung Hospitals Campus,
New Delhi – 110 029.
11. The Member Secretary,
Transplant Authority of Tamil Nadu (TRANSTAN),
No.1045/1046, 1st Floor, Tamil Nadu Government
Multi-Super Speciality Hospital,
Omandurar Government Estate,
Opposite to the Hindu Office,
Anna Salai, Chennai – 600 002.
12. The Authorization Committee (TRANSPLANTATION),
Represented by its Chairman,
Directorate of Medical Education,
162, EVR Periyar Salai,
Kilpauk, Chennai – 600 010.
13. The Authorization Committee (TRANSPLANTATION),
Represented by the Dean of Medical College,
Madurai – 600 020.
14. The Superintendent of Police,
Namakkal District,
Namakkal – 637 003.

... Respondents

(R – 8 and R – 9 are *suo motu* impleaded vide order dated 19.08.2025 in W.P(MD)No.22623 of 2025)

(R – 10 to R – 14 are impleaded vide order dated 21.08.2025 in W.M.P(MD)No.18012 of 2025)



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents that the investigation of unknown Crime Number be forthwith transferred to the Central Bureau of Investigation (CBI) for conducting a fair, impartial, and independent investigation and to take appropriate legal action against all persons found involved, irrespective of their political affiliation, position in the ruling party or occupation of any political office.

For Petitioner	: Mr.M.Rajarajan for Mr.R.A.S.Senthilvel
For RR 1, 2, 8, 9, 11, 12 & 13	: Mr.J.Ashok Additional Government Pleader
For RR 4, 5 & 14	: Mr.M.Ajmal Khan Additional Advocate General Assisted by Mr.T.Senthil Kumar Additional Public Prosecutor
For RR 3 & 10	: Mr.K.Govindarajan Deputy Solicitor General of India
For R – 6	: Mr.G.Prabhu Rajadurai for Ms.K.Shwathini
For R – 7	: Not ready in notice



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ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The writ on hand has been instituted seeking a direction to the respondents to investigate the illegal trading of human organs. In the present case, illegal trading of kidney is the issue raised.

2.The present Public Interest Litigation (PIL) has been instituted by a practicing lawyer before the Madurai Bench of Madras High Court. Kidney transplantations have increased over the years, particularly in several hospitals across the State of Tamil Nadu. Kidney transplantation is a life-saving organ transplantation and in this regard, “the Transplantation of Human Organs and Tissues Act, 1994” (hereinafter referred to as “the TOHO Act, 1994) was enacted by the Parliament.

3.In the present case, the petitioner states that the respondents 6 and 7 have involved in the kidney trading business and a complaint was also

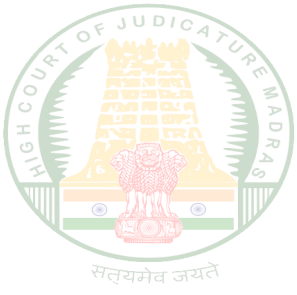


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given. However, no F.I.R has been registered. The State Government constituted a Committee comprising Dr.S.Vineeth, I.A.S., Project Director, Tamil Nadu Health System Project (TNHSP) along with a team comprising of Dr.R.M.Meenakshi Sundari, Joint Director (Acts), O/o.The Director of Medical and Rural Health Services, Chennai, Dr.A.Rajmohan, Joint Director of Health Services (JDHS), Namakkal, Dr.K.Marimuthu, Joint Director of Health Services (JDHS), Peramabalur and Ariyalur Districts and Thiru.R.Seetharaman, Deputy Superintendent of Police, O/o.The Director of Medical and Rural Health Services, Chennai.

4.Based on the complaints, enquiry was initially made in Pallipalayam area of Tiruchengode Taluk, Namakkal District, regarding illegal kidney transplantations. During the enquiry, it was found that one donor, whose name mentioned in the media reports, revealed that she was induced with money by a broker to donate her kidney. Medical scan confirmed removal of her kidney. Based on the enquiry in Pallipalayam area, the team visited Dhanalakshmi Srinivasan Medical College and Hospital,



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Perambalur and Cethar Hospital, Tiruchirappalli to verify the kidney transplant records.

5. Based on the preliminary enquiry, the licenses granted to Dhanalakshmi Srinivasan Medical College and Hospital, Perambalur and Cethar Hospital, Tiruchirappalli, to conduct kidney transplants were suspended on 23.07.2025 as per Section 16(2) of the TOHO Act, 1994 by the Director of Medical and Rural Health Services, Chennai.

6. The learned Additional Advocate General submitted that subsequently, the licenses itself have been cancelled by the competent authority.

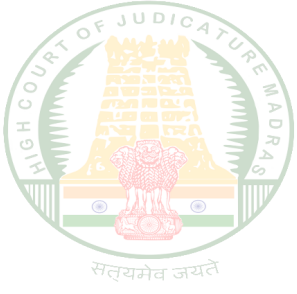
7. During the enquiry and the review of connected documents by the team, it was noticed that required certificates as per the TOHO Act, 1994 were fabricated to create the impression that the donor and recipient were family friends. From the records, the said private hospitals seem to be involved in preparation of documents to make use of the specific provisions



in the TOHO Act, 1994, which permits donation from the individuals, who are not near relatives based on evidence of affection, attachment or other special reasons for donation. However, the enquiry revealed that donors (non-relatives) other than near relatives were arranged by brokers for financial reasons.

8.This Court has gone through the report of the Committee and the findings of the Committee is alarming that large scale trading of human organs are made in an illegal manner. The concluding paragraph of the Committee's report, which is in the vernacular language, is extracted as it is hereunder:

“மேற்கண்ட விசாரணையில் அவற்றுக்கு முரணாக தவறான முறையில் சான்றுகள் பெறப்பட்டும், தனியார் மருத்துவமனைகள் தவறான முறையில் பிரமாணப் புத்திரங்கள், ஏற்பாளி / கொடையாளி சேர்ந்து காணப்படும் புகைப்படங்கள் இல்லாமலும் மற்றும் சான்றுகள் சமர்ப்பித்தும், உறுப்பு தானத்திற்கு வறுமையில் உள்ளவர்களை கண்டுபிடித்து பணத்திற்காக தரகர்கள் மூலம் உறுப்புகளை விற்கதும் மற்றும் அங்கீகாரக்குழுவில் சமர்ப்பித்து ஒப்புதல் பெறப்பட்டும் மனித உறுப்பு மாற்று அறுவை சிகிச்சை மேற்கொள்ளப்பட்டுள்ளது தெரியவருகிறது. இவ்விசாரணையில் மனித உறுப்பு மாற்று அறுவை



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சிக்சை சட்ட நுண்கங்களை தவறாக பயன்படுத்தியது
தெரியவருகிறது.”

9.The translated version of the above paragraph reads as follows:

“It has come to light in the aforementioned investigation that, contrary to the above, proofs were obtained in a wrongful manner, and false affidavits, proofs and documents without photographs of the recipient/donor together were submitted by private hospitals, and the organs were sold through brokers for money by identifying impoverished individuals for organ donation, and approval was obtained by submitting these documents to the authorization committee and the human organ transplant surgeries were conducted. It has been found in this investigation that the legal nuances of human organ transplant surgery were misused.”

10.The Committee appointed by the Government itself identified several irregularities and illegalities in kidney transplantations and trading of Kidney illegally, which would constitute not only offences under the TOHO Act, 1994 but also offences under “the Bharatiya Nyaya Sanhita, 2023” (in short hereinafter referred to as “the BNS, 2023”).



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11.The learned Additional Advocate General appearing on behalf of the State made a submission that corrective measures have been taken. Licenses were cancelled in respect of the respondents 6 and 7. However, admitted the fact that no FIR has been registered so far. It is contended that the appropriate authority under Section 13 of the TOHO Act, 1994 is in the process of conducting investigation. Therefore, registering an F.I.R may not arise at this point of time in the light of Section 22 of the TOHO Act, 1994.

12.It is contended that F.I.R has not been registered in view of the judgment of the Division Bench of this Court in the case of ***Dr.Ganesan Vs. State represented by the Inspector of Police, CB CID, Chennai [Crl.O.P.No.17336 of 2013 dated 18.02.2015]***. Further, the State relied on the judgment of the Hon'ble Supreme Court in the case of ***Jeevan Kumar Raut and another Vs. Central Bureau of Investigation [2009 (7) SCC 526]***.



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13.The learned counsel appearing for the petitioner would reiterate that F.I.Rs have been filed in Delhi, Andhra Pradesh and other States, where investigations were conducted by the police and one case has been registered in the State of Tamil Nadu on previous occasion. Whenever a cognizable offence has been made out beyond the provisions of the TOHO Act, 1994, then the police is bound to register the F.I.R on receipt of any complaint. In the present case, though the Chief Medical Officer forwarded a complaint to the Inspector of Police, Pallipalayam Police Station, no F.I.R has been registered so far.

14.The learned counsel appearing on behalf of the sixth respondent would submit that as far as the sixth respondent is concerned, they are maintaining the records properly and they have not involved in any such human organ trafficking racket as alleged by the petitioner. Thus, the Writ Petition deserves no further consideration.



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15.This Court has gone into the governing provisions so as to consider whether an F.I.R is to be registered in respect of such nature of allegations and an investigation is to be launched for the purpose of culling out the truth behind the allegations relating to human organ trafficking and trading, etc., more specifically in the present case, regarding kidney transplantation.

16.The learned counsel appearing for the petitioner relied on the judgment of the Delhi High Court in the case of ***Dr.Jeevan Kumar Vs. Prabhakant [Crl.Rev.P.504/2012 & Crl.M.A.No.16239/2012]***, wherein an F.I.R has been registered. He also has relied on another judgment of the Division Bench of the Madras High Court in the case of ***Dr.V.M.Ganesh Vs. the Registrar, Appellate Tribunal, Prevention of Money Laundering [C.M.A.No.1451 of 2015 dated 29.04.2019]***.

17.A copy of the PTI report has been furnished before this Court which shows that inter-state human organ trafficking racket were traced and

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two key accused from Tamil Nadu in connection with the kidney transplant racket were arrested. The racket was busted at a private hospital and that apart, as many as 13 accused persons have already been arrested by the Special Team of the CID in in the State of Telangana. The police found that the accused had targeted innocent and economically disadvantaged individuals from Tamil Nadu by luring them with false promises of employment etc. The efforts are on to apprehend other absconding accused. A criminal case has been registered. Each recipient was charged approximately Rs.55 lakhs to Rs.60 lakhs, which was distributed among all those involved in the racket and donors were paid between Rs.4,00,000/- and Rs.5,00,000/- is the official information which was made available in the public domain. Amongst the arrested persons were two doctors, one of whom was the Managing Director of the private hospitals along with five medical assistants.

18.The learned counsel appearing for the petitioner further brought to the notice of this Court that Uttarakhand Police also registered



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WEB COPY F.I.R No.223 of 2017 regarding an organ transplantation racket. The case was registered under the IPC (BNS, 2023).

19.This Court has carefully perused the judgments relied on by the learned Additional Advocate General. The facts in those judgments are relatable to doctor-patient disputes arising during transplantation and treatment. It is an inter se dispute between doctors and patients wherein no third party was involved. Therefore, those cases cannot be compared with the facts of the present case, where a large scale human organ transplant racket has been busted allegedly involving brokers, doctors and officials in collusion.

20.The question arises as to whether there is any impediment for registering a criminal case. In the present case, even the State appointed team, conducted a preliminary enquiry and submitted a report. The findings of the said report are alarming that the private hospitals have involved in obtaining false certificates and undertaking from the recipients/donors



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without their photographs. Particularly, the report states that economically disadvantaged persons were identified by the brokers for monetary gain and this kidney transplantation racket were busted. Further, the report reveals that legal intricacies were abused by these brokers, officials, hospitals and doctors.

21. Therefore, cases of inter se disputes between doctors and patients cannot be compared with the seriousness involved in the allegations in the present Public Interest Litigation on hand.

22. One instance of illegal transplantation of kidney was reported in the media which resulted in constituting a team for conducting an enquiry by the State and the team conducted a preliminary enquiry and found large scale fraudulent activities, including the creation of false documents and the involvement of brokers.

23. Therefore, the allegations involved in the present case are not stopping with the provisions of the TOHO Act, 1994, but the offences under



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the BNS, 2023 are also traceable in the context of the wider allegations raised in the public domain and the preliminary investigation conducted by the team of officials constituted by the State.

24.It is needless to state that Sections 109, 111, 303, 318, 335 and 336 of the BNS, 2023, more specifically, Section 143 Explanation (1) of the BNS, 2023, all to be considered with reference to the large scale allegations and particularly in the context of the complaint raised against the hospitals. These provisions are taken into consideration only by registering the F.I.R and by conducting investigation in the manner known to law.

25.The question arises whether the State is right in not registering an F.I.R despite the complaint given by the Chief Medical Officer before the Pallipalayam Police Station and also the enquiry report submitted by the team of officials appointed by the State.

26.The State's objection that only the appropriate authority under Section 13 of the TOTO Act, 1994, alone has to conduct investigation is unacceptable for the simple reason that the wider allegations now raised is



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not only falling under the TOHO Act, 1994 but also falling under the BNS, 2023. When cognizable offences are traceable from and out of the allegations, it is the duty of the State to first register the F.I.R and thereafter conduct an investigation by following the procedures.

27.Unfortunately, in the present case, the State Government has taken a stand that no F.I.R needs to be registered since the appropriate authority alone has to conduct investigation. The Government appointed Committee itself has reported that documents were fabricated and brokers were involved, the involvement of many other hospitals cannot be overruled, but it is to be investigated in the context of the TOHO Act, 1994 and the cognizable offences under the BNS, 2023.

28.As far as the judgment of the Supreme Court in the case of ***Jeevan Kumar Raut's case*** (cited supra) relied on by the State, it states that Section 22 of the TOHO, Act, 1994, prohibits taking of cognizance except on a complaint made by an appropriate authority or the person who had



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made a complaint earlier to it as laid down therein. However, the Supreme Court does not prohibit investigation when certain cognizable offences are traceable with reference to the allegations raised and the findings made by the team constituted by the Government.

29.Pertinently, in the very same case, the fact remains that the appellant before the Supreme Court are medical practitioners. An First Information Report was lodged against them under Sections 420, 342, 326, 506 and 120-B of the Indian Penal Code and under Sections 18 and 19 of TOHO Act, 1994 at Police Station Palam Vihar, Gurgaon. The investigation was transferred to the Central Bureau of Investigation. It registered another F.I.R under Sections 420, 342, 326, 506 and 120-B of IPC and under Sections 18 and 19 of the TOHO Act, 1994. The appellant 2 was arrested. Under those circumstances, the case was dealt with by the Supreme Court and it was an inter se dispute between doctor and patient. Therefore, the said judgment is of no avail to the State for the purpose of registering an FIR, both under the BNS, 2023 and the TOHO Act, 1994 for launching



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investigation into the wider allegations of kidney transplantation racketing across the State of Tamil Nadu by various private hospitals, medical colleges with the assistance of hospital managements, brokers, officials and doctors.

30.This Court is of the considered view that trafficking in human organ would infringe the fundamental right of a citizen. Any violation would not only offends Article 21 of the Constitution of India but would result in serious health issues of the donor or recipient. It has got larger repercussions and wider implications in the matter of maintenance of public health. Public health is within the State List under the Constitution and the State is bound to show sensitivity in dealing with such nature of issues involving illegal human organ trading and the wider allegations raised in the public domain. When the State appointed team itself has made certain serious allegations against the private hospitals and medical college hospitals etc, the State is not expected to remain as mute spectator. The State is even hesitating to register an F.I.R and arguing before the Court that there is a statutory bar in registering an F.I.R. Such a stand is unacceptable.



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31.The learned counsel appearing for the petitioner would bring it to the notice of this Court that these private medical colleges and private hospitals large in number are owned and administered by highly influential individuals in the State. Therefore, there is no possibility of a fair impartial investigation into the allegations of the human organ transplantation racket.

32.This Court is of the considered view that investigation is essential and to be undertaken by the State to cull out the truth behind the allegations. The State is not going to be prejudiced in the event of conducting an investigation into the serious allegations of human organ transplantation racketing. But the effective and efficient investigation would protect the lives of the poor and economically disadvantaged people, who are all exploited by these private medical college hospitals, private hospitals, etc., with the collusion of the brokers, officials and others.



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33. When this Court expressed its view that instead of handing over the investigation to the Central Bureau of Investigation (CBI), requested the learned Additional Advocate General and the learned State Public Prosecutor to submit the names of police officials with proven integrity. They were initially reluctant and thereafter the learned Additional Advocate General produced three names, one Superintendent of Police, one Deputy Superintendent of Police and one Inspector of Police. In the opinion of this Court, the response of the State is disappointing. Thus, this Court has requested the Additional Registrar General, Madurai Bench of Madras High Court to secure names of some police officials with proven integrity, who in turn has undertaken the efforts and swiftly consulted the authorities and furnished the names. Accordingly, this Court appoints the following police officials as Special Investigation Team to conduct an investigation into the large scale and wider allegations of the human organ transplantation racket, including illegal kidney transplantations:



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“(1) Mr.Premanand Sinha, I.P.S, Inspector General of Police (IGP), South Zone, No.1, New Natham Road, Madurai, Bibikulam, Madurai – 625 002.

(2) Tmt.N.S.Nisha, I.P.S, Superintendent of Police, Office of the Superintendent of Police, Upper Bazar, Udhagamandalam, The Nilgiris – 643 001.

(3) Mr.N.Silambarasan, Superintendent of Police, High Ground Road, Palayamkottai, Tirunelveli – 627 002.

(4)Mr.Dr.K.Karthikeyan, I.P.S., Superintendent of Police Office, State Bank Raod, Gopalapuram, Coimbatore – 641 018.

(5) Mr.B.K.Arvind, I.P.S., Superintendent of Police, Madurai, Alagar Kovil Road, Madurai – 625 002.”



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35.In view of the above, this Court issues the following directions:

(i) The Special Investigation Team will be headed by Mr.Premanand Sinha, I.P.S and he will assist the team of officials to conduct investigations into the allegations of a human organ transplantation racket including illegal kidney transplantations across the State of Tamil Nadu.

(ii) The Director General of Police is directed to provide all necessary assistance, including police personnel, infrastructure and other requirements to the Special Investigation Team constituted by this Court.

(iii) The Special Investigation Team is directed to ensure that the complaint given by the Chief Medical Officer, Namakkal to the Pallipalayam Police Station is acted upon and F.I.R shall be registered based on the complaint and the report



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submitted by the special team appointed by the State Government.

If necessary, further F.I.Rs' can be registered with the concerned police stations, wherever such allegations or complaints are made or brought to the notice of the Special Investigation Team.

(iv) The Director of Medical and Rural Health Services and the respective jurisdictional Joint Director of Health Services are directed to provide all necessary assistance to the Special Investigation Team to unearth the human organ transplantation scam and its illegal trading.

(v) The Madurai Bench of Madras High Court will monitor the investigations. The Special Investigation Team is directed to submit reports before the Registrar (Additional Registrar General) or the Registrar (Judicial), Madurai Bench of Madras High Court periodically or on hearing dates, as the case may be.



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(vi) The Special Investigation Team is directed to submit report before this Court about the progress made into the investigation conducted.

(vii) The first investigation report is directed to be submitted before this Court by the Special Investigation Team on 24.09.2025.

36.Post the matter on **24.09.2025**.

[S.M.S.,J.] & [G.A.M.,J.]
25.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes

ps

Note: Registry is directed to mark a copy of this order to:

- 1.The Registrar (Additional Registrar General),
Madurai Bench of Madras High Court,
Madurai.
- 2.The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

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- 3.Mr.Premanand Sinha, I.P.S,
Inspector General of Police (IGP),
South Zone, No.1,
New Natham Road, Madurai,
Bibikulam, Madurai – 625 002.
- 4.Tmt.N.S.Nisha, I.P.S,
Superintendent of Police,
Office of the Superintendent of Police,
Upper Bazar, Udhagamandalam,
The Nilgiris – 643 001.
- 5.Mr.N.Silambarasan,
Superintendent of Police,
High Ground Road, Palayamkottai,
Tirunelveli – 627 002.
- 6.Mr.Dr.K.Karthikeyan, I.P.S.,
Superintendent of Police Office,
State Bank Raod, Gopalapuram,
Coimbatore – 641 018.
- 7.Mr.B.K.Arvind, I.P.S.,
Superintendent of Police, Madurai,
Alagar Kovil Road, Madurai – 625 002.



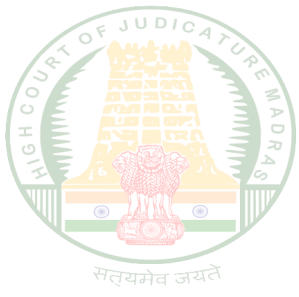
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To

- 1.The Chief Secretary to the Government of Tamil Nadu,
Secretariat, Fort St. George, Chennai - 600 009.
- 2.The Additional Chief Secretary
to the Government of Tamil Nadu,
Department of Home, Prohibition and Excise,
Secretariat, Fort St. George,
Chennai - 600 009.
- 3.The Secretary to Government,
Ministry of Home Affairs,
Government of India,
North Block, New Delhi - 110 001.
- 4.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.
- 5.The District Superintendent of Police,
Sivagangai District,
Collectorate Complex,
Manamadurai - Thanjavur road,
Sivagangai - 630 562.

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- 6.Dhanalakshmi Srinivasan,
Medical College & Hospital,
Siruvachur,
Perambalur – 621 113.
- 7.Cether Hospital,
No-C-108 Fort Station Road 5th Cross Road East,
Thillai Nagar Main Road,
Tiruchirappalli – 620 018.
- 8.The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai-9.
- 9.The Director of Medical and Rural Health Services,
DMS Compound, Thenampet, Chennai-6.
- 10.National Organ & Tissue Transplant Organisation,
Represented by its Director,
4th & 5th Floor, National Institute of Pathology Building,
Safdarjung Hospitals Campus,
New Delhi – 110 029.
- 11.The Member Secretary,
Transplant Authority of Tamil Nadu (TRANSTAN),
No.1045/1046, 1st Floor, Tamil Nadu Government
Multi-Super Speciality Hospital,
Omandurar Government Estate,
Opposite to the Hindu Office,
Anna Salai, Chennai – 600 002.



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12.The Authorization Committee (TRANSPLANTATION),
Represented by its Chairman,
Directorate of Medical Education,
162, EVR Periyar Salai,
Kilpauk, Chennai – 600 010.

13.The Authorization Committee (TRANSPLANTATION),
Represented by the Dean of Medical College,
Madurai – 600 020.

14.The Superintendent of Police,
Namakkal District,
Namakkal – 637 003.



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S.M.SUBRAMANIAM, J.
and
G.ARUL MURUGAN, J.

ps

ORDER MADE IN
W.P(MD)No.22623 of 2025

DATED : 25.08.2025

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