



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 19895 of 2020, 2285 & 2295 of 2021

AND

**WMP Nos. 24559, 24560 of 2020, WMP Nos.2579 & 2580 of 2021, WMP
Nos. 2595 & 2596 of 2021, & WMP No. 26659 of 2024**

W.P No.19895 of 2020

1. The Nilgiris Bought Leaf
Manufactures' Association
Represented by its President,
No.9, Mount Road, Conoor-643 102,
The Nilgiris, Tamil Nadu.

Petitioner(s)

Vs

1. The Chairman
Tea Board of India and Registering
Authority, 14, B.T.M.Sarani (Brabourne
Road), Kolkata 700 001

2.Executive Director
Tea Board of India, Shelwood, Cloub
Road, Coonoor-642 192,
Nilgiris 643 101

3.Ministry of Commerce and Industry
Rep. by its Joint Secretary,
Government of India, New Delhi.

4.Ministry of Health and Family
Welfare
Represented by Its Joint Secretary,
Government of India, New Delhi.
(R-3, R-4 were impleaded vide Order
Dt.18.03.2024 made in WMP
No.3170/2024)



5. Nilgiri Nellikolu Micro And Small Tea
Growers And Farmers Development
Society (Reg.No.101/2013),
No.13/156-E, Kekkatty Village,
Ellanayi Post, The Nilgiris – 643 243,
Rep. by its Secretary. (R5 was
Impleaded vide Order Dated
08.07.2025 made In WMP.3193/2024)

Respondent(s)

WP No. 2285 of 2021

1. B.N.Boobesh
S/o. Nanjan, No.20/B/123 Hosatty,
Kairbetta Village, Kotagiri,
Nilgiris 643 217
2. Devaraj
S/o. Basavaraj, 2/60, Ajjoor, Kagguchi,
Nilgiris 643 214
3. K. Jayaraj
S/o. Krishnan, 5/25, Ebbanad Idhutti,
Nilgiris 643 002
4. K. Shanmugam
S/o. Krishnan, 2/11, Ajjoor, Kagguchi,
Nilgiris 643 214
5. Sundaram K
S/o. Krishnan, 2/224, Ajjoor, Kagguchi,
Nilgiris 643 214
6. Sekaran
S/o. Ganesan, 2/185, Ajjoor, Kagguchi,
Nilgiris 643 214
7. S. Ravi
S/o. Sadaku, 2/212, Ajjoor, Kagguchi,
Nilgiris 643 214
8. Kumar
S/o. Lakshmanan, 2/295, Ajjoor,



Kagguchi, Nilgiris 643 214

9.Nandhakumar

S/o. Mallam, 2/23, Kattapettu,

Kagguchi, Nilgiris 643 214

10.E.Kumar

S/o. Eran, 2/214 Ajjoor, Kagguchi,

Nilgiris 643 214

Petitioner(s)

Vs

1. The Chairman

Tea Board of India and Registering

Authority, 14, B.T.M. Sarani

(Brabourne Road), Kolkata 700 001

2.Executive Director

Tea Board of India, Shelwood, Cloub

Road, Coonoor, Nilgiris 643 101

Respondent(s)

WP No. 2295 of 2021

1. K.Devaraj

S/o. Kakkamallan, 2/266, Ajjoor,

Kagguchi, Nilgiris 643 214 The Nilgiris

2.Desingaraj

S/o. Ramalingam, 2/73, Ajjoor,

Kagguchi, Nilgiris 643 214

3.Lakshmanan

S/o. Desing, 2/74, Ajjoor, Kagguchi,

Nilgiris 643 214

4.Thangu

S/o. Sellaya, 3/97, Dheenatty,

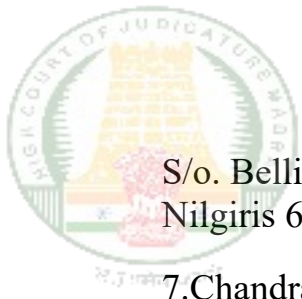
Masakkal, Nilgiris 643 217

5.Manigandan Thangaraj

S/o. Thangarajan, 3/97, Dheenatty,

Masakkal, Nilgiris 643 217

6.M.B.John Kumar



S/o. Belli, 15/521, Mynily Conoor,
Nilgiris 643 101

7.Chandran

S/o. Bojan, 5/241, Thuneri,
Nilgiris 643 002

8.R.Shivanshankaran

S/o. Raman, Beragal, Thuneri,
Nilgiris 643 002

9.Shanthosh

S/o. Devaraj, Kagguchi,
Nilgiris 643 214

Petitioner(s)

Vs

1. The Chairman

Tea Board of India and Registering
Authority, 14, B.T.M. Sarani
(Brabourne Road), Kolkata 700 001

2.Executive Director

Tea Board of India, Shelwood, Cloub
Road, Coonoor, Nilgiris 643 101

Respondent(s)

COMMON PRAYER Writ Petitions filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records of Impugned Circular vide No. 12(23) / LC / 2006 / XV dated 23.2.2006 issued by the 1st Respondent Board and quash the same.

For Petitioner(s) : Mr.E. Manoharan
in W.P Nos.19895 of
2020 & 2295 of 2021

For Petitioners in
W.P No.2285 of 2021: Mr.T.Mohan, Senior Counsel
for M/s.S.Karthikei Balan

For R1 & R2 : Mr.A.R.L.Sundaresan, Additional
in all WPs. Solicitor General,
Assisted by
Mr.K.Ramanamoorthy, Central
Government Counsel



In W.P.19895 of 2020

For R3 & R4

M/s. V.Chandrasekaran,SPC

For R5

M/s. R.Sivakumar

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COMMON ORDER

These three writ petitions have been filed, challenging the impugned Circular vide No.12(23)/LC/2006/XV dated 23.02.2006 issued by the 1st respondent Board and seeking to quash the same.

2.The case of the petitioners is that they are small Tea Growers and Bought Leaf Factories. The Nilgiris Bought Leave Manufacturer's Association consist of members who are private small scale factory owners who buy green tea leaf from small tea growers (farms/land less than 25 acres) and manufacture "Made Tea" which are sold in auctions held in Coonoor, Coimbatore and Cochin. The issue herein arises from the impugned Circular issued by the 1st respondent, Tea Board bearing Reference No.12(23)/LC/2006/XV dated 23.02.2006 under Sub-clause 3 of Clause 13 of the Tea (Marketing) Control Order, 2003 (TMCO) prescribing standard of tea leaves to be used in tea manufacture, as lacking application of mind, without consideration of relevant materials and in violation of Fundamental Rights guaranteed under Article, 14, 19(1)(g) and 21 of the Constitution. Under Clause 13(3) of the TMCO, the respondent does not have the authority to direct the Growers, who are solely responsible for harvesting of the leaves. The members of the petitioner



association have no control over the same and therefore, the circular cannot be implemented on them. The requirement under the FSS Act and the Regulation therein was issued after the impugned circular, and the respondent Board has time and again mandated that the Tea must comply with the FSS Act. In the background, the impugned circular cannot be held to negate the standards under the FSS Act. The circular has been issued and is being tried to be implemented now without taking relevant considerations like climate change, global warming etc., The impugned circular, if implemented mandatory would result in a violation of the right to livelihood of the petitioners under Article 19(1)(g) and 21 of the Constitution, as the same is an excessive restriction, which is unreasonable and would bring the Tea Industry in South to a standstill. Challenging the same, the present writ petition has been filed.

3.The learned Senior Counsel appearing for the petitioners submitted that while entertaining the writ petitions, this Court passed an interim order on 23.12.2020 and 05.02.2021, directing the petitioners to strictly comply with the norms prescribed under the Food Safety and Standards Act, 2006, as per the circular of the first respondent dated 19.06.2020 and also directing the respondent Board not to take any coercive action on the petitioners until further orders of this Court, pursuant to the impugned Circular dated 23.02.2006. Hence, the interim order may be continued for a period of six weeks and the



petitioners may be permitted to file necessary objections to the impugned Circular dated 23.02.2006. The 1st respondent Board has no power to revisit the 2006 Circular. However, since the standard may not be required after a lapse of 20 years, and if possible, the Tea Board may revisit the earlier Circular, pursuant to the objections made by the petitioners and pass appropriate orders.

4. In response to the submissions made by the learned senior counsel for the petitioners, Mr. AR. L. Sundaresan, the learned Additional Solicitor General of India, assisted by Mr. K. Ramanamoorthy, the learned Central Government Counsel, appearing for the respondents 1 & 2, on instructions, submitted that the impugned Circular was issued for the purpose of maintaining standards, since tea manufacturers face competition to the world market. Therefore, the Circular prescribes certain standards and, at this stage, there is no possibility of revisiting them. However, if any representation or objection is made before the Tea Board, the Tea Board will consider the same and pass appropriate orders within the reasonable time to be fixed by this Court.

5. Heard the learned Senior Counsel for the petitioners and the learned Additional Solicitor General of India, assisted by Central Government Counsel, appearing for the respondents 1 & 2 and also perused the materials available on record.



6.The facts of the case are not in dispute. It is an admitted fact that a Circular dated 23.02.2006 was issued by the Tea Board prescribing certain standards for the quality of the green leaf. Aggrieved by the same, the Tea Growers and the Bought Leaf Manufacturers filed the present writ petition. A perusal of the Circular dated 23.02.2006 reveals that no opportunity was given to the petitioners before issuing the said Circular. Further, the Circular was issued in the year 2006, and after a lapse of nearly 20 years, the standard prescribed for green leaf may no longer be valid.

7.In view of the above, this Court is inclined to grant permission to the petitioners to file an objection or representation to the impugned Circular dated 23.02.2006 before the first respondent, without prejudice to their rights, within a period of four (4) weeks from the date of receipt of a copy of this order. Upon receipt of the same, the 1st respondent shall, if necessary, revisit the Circular dated 23.02.2006, consider the petitioners' representation, and pass appropriate orders within a period of four (4) weeks, thereafter. The interim order already granted by this Court shall continue, till the disposal of the objection or representation filed by the petitioners.



8. Accordingly, all three Writ Petitions stand disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

27-11-2025

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

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To

WEB COPY

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Tea Board of India and Registering
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Tea Board of India, Shelwood, Cloub
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- 3.Ministry Of Commerce And Industry
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Ellanayi Post, The Nilgiris - 643243,
Rep. By Its Secretary.



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WP No. 19895 of 2020



M.DHANDAPANI J.

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AND WMP NO. 2580
OF 2021, WP NO. 2285
OF 2021, WP NO. 2295
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NO. 24560 OF
2020, WMP NO. 2595 OF
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