



WEB COPY

WP No. 23506 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-06-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 23506 of 2024

1. M/s.Nankemp Tea Industry
Rep By Its Partner Mr. Dhananjayan
K Kagguchi Village And P.O, Ooty-
643 214.

Petitioner(s)

Vs

1. Union Of India
Rep By Secretary, Ministry Of
Commerce And Industry, Department
Of Commerce, Govt Of India, Room
No.143, Vanijya Bhawan, New Delhi-
110 001.

2.Secretary
Food Safety And Standards Authority
Of India
Regional Office At 2nd Floor, Central
Documentation Complex South Wing
North Beach Road, Chennai Port Trust,
Rajaji Salai, George Town,
Chennai-01.



3.Executive Director And Registering
Authority

Tea Board Of India, Ministry Of
Commerce And Industry, Dept Of
Commerce, Govt Of India Shelwood,
Club Road, P.O. Box No.6, Coonoor-
643 101 Nilgiris, Tamil Nadu.

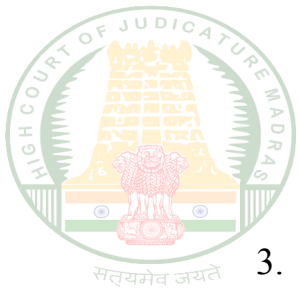
Respondent(s)

For Petitioner(s): Mr.E. Manoharan
For Respondent(s): Mr.A.R.L.Sundaresan
Additional Solicitor General of
India
for Mr.K.Ramanamoorthy
Senior Panel Counsel for
respondents 1 and 3

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 3rd respondent to issue and follow a Standard Operating Procedure for collection of Tea samples for regulatory testing.

2. The grievance expressed by the petitioner is that while the tea samples are collected, there is no Standard Operating Procedure (SOP) and as a result, it yields different results during different tests. Hence, the petitioner requested for coming up with a standard operating procedure for collection of samples for regulatory testings.



3. Heard Mr.E.Manoharan, learned counsel for the petitioner and Mr.A.R.L.Sundaresan, learned Additional Solicitor General of India for Mr.K.Ramanamoorthy, learned Senior Panel Counsel for respondents 1 and 3.

4. The Tea (Marketing) Control Order, 2003 governs the field. There was a grievance that while implementing the same, there was no SOP insofar as the collection of tea samples for regulatory testings.

5. The learned counsel for the petitioner brought to the notice of this Court that two meetings were held with the Tea Board of India during the year 2024 and 2025 and it was agreed upon that a SOP can be brought out in order to ensure that the tea samples that are taken for regulatory testing is tested without giving rise to any discrepancies.

6. In the considered view of this Court, while issuing a writ of Mandamus, this Court must see as to whether the petitioner has a legal right to enforce and there is a corresponding legal duty on the side of the respondents. What has been sought for in the present writ petition is more by way of directing the respondents to come up with the standard operating procedure in the light of the (Tea Marketing) Control Order, 2003 which is already occupying the field. Such positive directions cannot be issued by this Court since it will amount to directing the authorities to modify / amend the existing law, which is



beyond the scope of a writ of Mandamus. Now that the stakeholders are attempting to resolve the issue by holding discussions and which is evident from the Minutes of the 250th meeting and the Minutes of the 251st meeting held with the Tea Board, it will suffice if the same is taken into account and this writ petition is disposed. Accordingly, this writ petition is disposed of in the above terms. No costs.

13-06-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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1.Union Of India

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Commerce And Industry, Dept Of
Commerce, Govt Of India, Room
No.143, Vanijya- Bhawan, New Delhi-
110 001.

2.SECRETARY

Food Safety And Standards Authority
Of India Regional Office At 2nd Floor,
Central Documentation Complex South
Wing North Beach Road, Chennai Port
Trust, Rajaji Salai, George Town,
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