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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE S.KARTHIKEYAN

WA Nos. 3354, 3347, 3350 and 3348 of 2026

CNR:{HCMA012609882026} *CNR:{HCMA012609852026} CNR:{HCMA012609912026} CNR:{HCMA012609942026}*

Case QR Case QR Case QR Case QR

CMP NO. 29879 OF 2026,CMP NO. 29886 OF 2026,CMP NO. 29878 OF 2026,CMP NO. 29905 OF 2026

1. The Intelligence Officer
   Special Intelligence and Investigation Branch
   Preventive Commissionerate
   Custom House,
   Chennai-600 001

2. The Deputy Commissioner of Customs
   Special Intelligence and Investigation
   Branch(SIIB)
   Office of the Principal Commissioner of Customs
   Preventive Commissionerate
   Custom House, No.60, Rajaji salai
   Chennai-600 001

3. The Deputy/Assistant Commissioner of
   Customs(Docks), SANCO CFS, Custom House
   No.60, Rajaji salai, Chennai-600 001

4. The Commissioner of Customs(Preventive
   Commissionerate)
   Custom House, No.60, Rajaji salai
   Chennai-600 001

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..Appellant(s)

Vs

1. Ms Madras Exim,
   Rep by its its Partner, Shri.Nithin Nayar
   Senate space, Desk No.V39
   1 and 1A,UR Nagar Extn,
   Anna Nagar W Ext.St,
   Chennai-600 101

2. The Joint Director, FSSAI Southern Regional
   Office, 2nd Floor,
   Central Documentation Complex South Wing,
   Chennai Port Trust, Rajaji Salai,
   Chennai-600001

..Respondent(s)

APPEALS filed under Clause 15 of the Letters Patent against order dated 28-09-2026 passed in WMP.NOs.44349/2026 in WP.Nos.39469, 39473, 39477 and 39469 of 2026.

In all W.As.

For Appellant(s): Mr. AR.L.Sundaresan
Additional Solicitor General
for Mr.S.Gurumoorthy, Senior Panel
Counsel

For Respondent(s): Mr.Hari Radhakrishnan
for R1

Common Judgment

(Judgment of the Court was delivered by Dr.Anita Sumanth J.)

The official respondents in a batch of Writ Petitions filed by an importer have challenged order dated 28.09.2026, whereunder a learned single Judge has,

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exparte, directed the authorised officer under the Food Safety and Standards Act, 2006 (in short 'Act') being the 5th respondent therein, ie., the Joint Director, FSSAI Southern Regional Office, to draw samples from the consignment covered by Bill of Entry Nos.3016360, 3016398 and 3016447, all dated 08.08.2026, and forward the same for testing to a laboratory accredited under the Act. The prayers in the Writ Petitions were for release of goods covered by the aforesaid Bill of Entries and to quash the seizure memos dated 18.09.2026.

2. Mr.AR.L.Sundaresan, learned Additional Solicitor General appearing for Mr.S.Gurumoorthy, learned Senior Panel Counsel for the appellants, submits that the order assailed, (i) ought not to have been passed without issuing notice to the appellants/respondents, (ii) the report obtained from the Central Revenues Control Laboratory (CRCL), New Delhi dated 18.09.2026 is adverse to R1/Writ Petitioner, (iii) the report concludes that the samples tested do not meet the requirement for Areca nut/Betel nut as per Food Safety and Standards Regulation (FSSR 2011) as they were damaged by mould and insects in excess of 3%, and were hence not fit for human consumption and (iv) that the samples had been properly drawn. Hence in all, and according to the appellants, the order of the Writ Court is erroneous, both in fact and in law.

3. Mr.Hari Radhakrishnan, learned counsel who accepts notice for R1/Writ Petitioner points out that it was incumbent on the authorities to have

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drawn samples only in the presence of an authority under the Act, which has, admittedly, not been done in this case. He relies on an order dated 21.09.2026 passed in W.A.No.1949 of 2026, wherein, we had had occasion to consider the identical issue holding that drawal of samples must be in the presence of an authority under the Act.

4. Having heard both sides, we do not find anything untoward in the order of the Writ Court, either in the order having been passed exparte or in the directions issued. The reasons are as follows. Admittedly the drawal of samples in the instant case has been done in the absence of an authorised person under the Act, and this is contrary to the Act as well as the Food Safety and Standards (Import) Regulations, 2017 (in short '2017 Regulations').

5. That apart, we find that the importers have been petitioning the authorities on multiple occasions, 10.08.2026, 18.08.2026 and 24.08.2026 seeking inspection and drawal of samples by an accredited agency for testing. These requests have simply been ignored by the authorities. In such circumstances, it was but natural for the importer to have approached this Court for emergent orders, particularly as the investigation was on-going and, as otherwise, the adverse test report would pass muster as uncontroverted. In this regard, we bear in mind the fact that the goods in question are subject to rapid deterioration in the present inclement climatic conditions.

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6. There is some history to this matter as well, as R1 has earlier approached this Court challenging detention notice dated 13.08.2026 in W.P.No.35712 of 2026. Pending that Writ Petition, seizure memos had come to be passed, as a result that the earlier Writ Petition had come to be closed as infructuous and withdrawn on 21.09.2026. We are given to understand by both learned counsel that though no counter had been filed in that Writ Petition, all relevant facts as we have noted above, were placed for consideration before the Writ Court. The present Writ Petition is but a sequitur to the earlier Writ Petition.

7. Faced with this position, Mr.Sundaresan would fairly accede to the position that the drawal of sample and testing of the same may be done again, this time properly, in the presence of the required personnel. He would insist that the sample be re-tested again only by CRCL and Mr.Hari Radhakrishnan does not object to the same, seeing that the aforesaid agency is accredited under the Act.

8. Regulations 9 and 10 of the 2017 Regulations set out the procedure for drawal of samples and testing of the same. Sub-Regulation (5) to Regulation 10 reads as follows:

10. Food Analysis-

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(5) The notified laboratory or referral laboratory, as the case may be, shall provide the laboratory analysis report duly signed by its Food Analyst in Form 2 within five days from the date of receipt of the sample.

9. We thus direct the appellants to permit drawal of samples forthwith in a manner as contemplated under the Act and the 2017 Regulations and ensure that the test report is received within 5 days from date of receipt of the sample by CRCL.

10. In light of the above discussion, these Writ Appeals are dismissed with the aforesaid directions. We are told that a Contempt Petition in relation to the order assailed before us is listed for hearing on 05.11.2026. We record the submission of Mr.Hari Radhakrishnan that R1 will not press the said Contempt Petition. No costs. Connected Miscellaneous Petitions are also dismissed.

(A.S.M.,J.) **(S.K.,J.)**

04-11-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes

SL

Note: Issue order copy on or before 05.11.2026

To

The Joint Director,
FSSAI Southern Regional Office,2nd Floor, Central Documentation Complex
South Wing,
Chennai Port Trust,
Rajaji Salai, Chennai-600001.

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2026:MHC:4447

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DR.ANITA SUMANTH J.

AND

S.KARTHIKEYAN J.

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