



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2026

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

**W.P(MD)No.9344 of 2026
and
WMP(MD)Nos.7485 and 7487 of 2026**

Nagarajan

... Petitioner

vs.

1. The District Collector,
Office of the District Collector,
Dindigul District.

2. The Commissioner of Prohibition and Excise,
Prohibition and Excise Department,
Chennai - 600 005.

3. Honeybee Recreation Club,
Represented by its Secretary,
P. Muthuvairavan,
Door No.15, Pallapatti Village,
Palani Main Road, Dindigul.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorarified Mandamus, to call for the records

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WEB COPY

in the impugned order in proceedings in R.Dis. No.P and E.2(1)/2954/2023 dated 28.01.2026 passed by the 2nd respondent and quash the same and further issue directions to the respondents to consider the petitioner's representation dated 22.01.2026 within the time limit fixed by this Court.

For Petitioner	: Mr.J.Imran Khan
For R1 & R2	: Mr.B.Saravanan, Senior Counsel for Mr.M.P.Senthil, Counsel for State
For R3	: Mr.T.Bashyam

ORDER

(Order of the Court was made by C.V.KARTHIKEYAN, J.)

The writ petition has been filed in the nature of Certiorarified Mandamus, seeking a direction to call for the records relating to the proceedings in R.Dis. No.P and E.2(1)/2954/2023 dated 28.01.2026 of the 2nd respondent / Commissioner of Prohibition and Excise, Chennai, and quash the same and issue direction to the respondents to consider the representation given by the petitioner dated 22.01.2026.

2. In the affidavit filed in support of the writ petition, the petitioner had contended that he is a resident of Balakrishnapuram Pudur, NGO Colony in



WEB COPY

Dindigul and that very close to his residence, the 3rd respondent Society, Honeybee Recreation Club at Pallapatti Village, Palani Main Road, Dindigul, has been established and for that particular club, the 2nd respondent had granted FL-2 licence which effectively meant that the 3rd respondent is permitted to sell liquors to its members within the confinement of the 3rd respondent. It is the contention of the petitioner that quite close to the 3rd respondent, there are hospitals, temples, vegetable market and there is also a BSNL quarters. The Dindigul Institute of Co-operative Management is also situated close by. The Club is also just 100 metres from the National Highway. Claiming that FL-2 licence should not have been granted to the 3rd respondent and seeking to interfere with the grant of such licence, the present writ petition has been filed.

3. The 1st respondent / District Collector had filed counter affidavit wherein, he contended that the restrictions relating to the places of worship or educational institutions being close to a shop vending liquor would apply to TASMAC shops.



WEB COPY 4. The learned Senior Counsel pointed out that the State had taken a conscious decision to ensure that no TASMAL shop functions close to educational institutions and places of worship and had taken the extraordinary step of closing down 717 TASMAL shops, even though such closure would cut into the budget of the State. It had been contended by the learned Senior Counsel that the 3rd respondent had been granted licence to sell liquor to its members within their confinement and not outside. It had also been contended that necessary steps would be taken to ensure that the 3rd respondent does not make a profit by selling liquors to outsiders or to others who are not members of the Society or sell liquors outside the premises of the 3rd respondent Society.

5. In the counter affidavit of the Collector, it had also been stated that there is no temple near the Club. It had been stated that there is only a Samadhi of Sathiya Gnana Shabhapati Swamigal, which is not a place of worship. It is also contended that the vegetable market is a wholesale market functioning during night hours. It is further contended that BSNL quarters is about 76 metres away from the Club, the Co-operative Management Institution is situated about 63 metres away from the Club and the National Highways is about 205 metres away



WEB COPY

from the Club. It had been contented that after examining all issues, FL-2 Club licence has been granted to the 3rd respondent.

6. A counter affidavit has also been filed by the 3rd respondent stating the very same facts.

7. In order to ascertain the actual Rules under which the licence had been granted, we also had occasion to examine the Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules, 2003. In the said Rules, restrictions have been placed about location of shops and bars from nearby place of worship or educational institution.

8. Learned Senior Counsel, however, pointed out G.O.Ms.No.32, Home, Prohibition & Excise (VI) Department, dated 21.05.2018 which had been passed by the Government consequent to directions of the Honourable Supreme Court in M.A.Nos.489-491/2018 and other connected MAs / IAs in Civil Appeal Nos. 12164-12166 of 2016, dated 23.02.2018 and subsequent directions of the Honourable Supreme Court. In the said Government Order, which primarily was concerned with the Tamil Nadu Liquor (License and Permit) Rules, 1981,



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guidelines have been issued for grant of FL-2 licence and it had been stated that it should be ensured that the applicants should not have their premises located near National Highways primarily. In the instant case, the counter of the District Collector / 1st respondent shows that the 3rd respondent Club is situated about 205 metres away from the National Highway.

9. In the Tamil Nadu Liquor (License and Permit) Rules, 1981, with respect to the FL-2 licence, it has been stated that, F.L.2 Licence is issued for possession of liquor by a non -proprietary Club for supply to members.

10. It is thus seen that the primary restriction which has to be ensured is that liquor is supplied only to the members or to those who are having permit. The conditions for issuance of Form F.L.2 are as follows:

"1. The licensee shall be bound by the provisions of the Tamil Nadu Liquor (Licence and Permit) Rules, 1981, as amended from time to time (hereinafter referred to as the rules) and also by the following conditions which are special to this licence.

2. The privilege conferred herein extends to the possession of the liquor and its supply to the members of the club who hold personal permits for consumption of liquor and to members of



WEB COPY other clubs holding similar licences in Form F.L.2.]

3. The quantity of liquor that may be possessed under the licence shall not exceed..... units at any one time; and the quantity that may be issued during the year or the period for which the licence is in force shall not exceed..... units.

4. The licensee shall obtain his supplies of liquor from a wholesale depot licensee in this State or such other source as the Commissioner may, in special cases, appoint or approve, subject to such terms and conditions as he may deem fit to impose. The transport from the source of supply to the licensed premises shall be in accordance with the provisions of the rules.

5. Liquor supplied to them by the licensee may be for either consumption within the premises of the club or for removal therefrom. provided that the liquor removed from the premises of the club shall be in sealed bottles.

6. The licensee shall abide by the provisions and comply with the requirements of rules 34 in Chapter VI of the rules relating to the sale or issue of liquor under the licence, the allowance made for wastage of liquor, the maintenance of accounts, submission of returns, and payment of the club fee every quarter. The licensee shall maintain an Inspection Book in Form G.I.B. prescribed in the rules.

7. No sale of liquor shall be made under the licence on the Thiruvalluvar day falling in the month of January, Gandhi Jayanthi

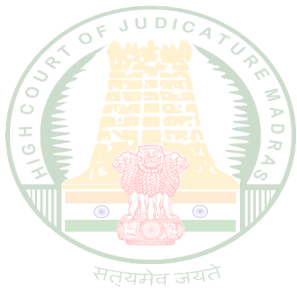


WEB COPY day, namely, the 2nd October, Birth Day Eve of Nabigal Nayagam, Mahaveer Jayanthi, Vallalar Ninaivu Naal, Independence day, Republic day and May day in every year."

11. The counter affidavit of the 1st respondent proceeds on the line that all these conditions have been examined and only after satisfaction, licence has been granted. In view of the fact that it had been stated that all necessary safeguards had been taken before issuance of the licence, we hold that the apprehension of the writ petitioner is not founded on facts or in violation of the Rules. But however, we would only state that the 2nd respondent or the officials under the 2nd respondent should, at periodic intervals conduct inspection and ensure that the 3rd respondent adheres to the terms of the licence in letter and spirit.

12. The Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[C.V.K., J.] & [R.S.V., J.]
01.07.2026



WEB COPY

Index : Yes
Neutral Citation : Yes / No
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To

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C.V. KARTHIKEYAN, J.
AND
R.SAKTHIVEL, J.

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10/10