



W.P.No.16285 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.16285 of 2023

P.Suresh Babu

.. Petitioner

Vs.

The Commissioner
O/o. Commissionerate of Prohibition and
Excise Department
Government of Tamil Nadu
Chepauk
Chennai 600 005.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondent to conduct surprise inspection in Bars having FL2 and FL3 Licenses and take action against the Bar which violates the terms and conditions of the license as per the T.N. Prohibition Act, 1937 and the T.N. Liquor (License and Permit) Rules, 1981.

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For the Petitioner : Mrs.M.Sneha
For Mr.P.Avinash

For the Respondent : Mrs.R.Anitha
Special Government Pleader

ORDER
(Made by the Hon'ble Chief Justice)

Heard Mrs.M.Sneha, learned counsel for Mr.P.Avinash, learned counsel for the petitioner and Mrs.R.Anitha, learned Special Government Pleader for the respondent.

2. The grievance of the petitioner is that FL2 and FL3 Bar owners are violating the terms and conditions of the license as per the T.N. Prohibition Act, 1937 and the T.N. Liquor (License and Permit) Rules, 1981. Bars are run beyond the time and throughout the night.

3. According to learned counsel for the petitioner, bills are placed on record to substantiate the same. Moreover, in the advertisement also, the Bar owners have categorically stated that all the Bars are being run beyond the official timing.



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4. We had asked learned Special Government Pleader to place on record the steps being undertaken and the actions taken against the erring Bar owners. The status report is placed on record by the respondent. Action has been taken against four persons by imposing penalty.

5. The officials are expected to visit the Bars on regular basis and monitor the functioning of the same. It is the responsibility of the officials to ensure that FL2 and FL3 Bar owners or Recreation club owners do not run beyond the maximum time limit imposed and if any such dereliction or deviation is seen, the officials are expected to take stern action.

6. It is stated in the status report that during the departmental review meeting conducted on 23.05.2023, instructions have been issued to all the District Collectors to form teams consisting of officials of Prohibition and Excise, Police and Revenue Department to conduct surprise inspection of FL, DL and RL licensed premises frequently and to ensure that licensed premises are operational within the time limit



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and violations, if any, found, stringent action to be taken on the errant licensees.

7. The formation of teams is a welcome act. However, these teams are also expected to implement the statute in its true letter and spirit. We hope and trust that the officials of the teams formed by the District Collector shall regularly conduct surprise visits on all FL, DL and RL licensees and take action against the errant Bar owners.

8. With these observations, the writ petition is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

14.09.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To
The Commissioner
O/o. Commissionerate of Prohibition and Excise Department
Government of Tamil Nadu
Chepauk, Chennai 600 005.

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

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