



W.P.(MD) No.10815 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2024

CORAM:

**THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD) No.10815 of 2024

and

W.M.P.(MD) Nos.9653 & 12177 of 2024

M.Saravanakumar

... Petitioner

-VS-

- 1.The Commissionerate of Prohibition
and Excise Department
Headed by Commissioner of
Prohibition and Excise
Government of Tamil Nadu
Chepauk, Chennai-600 005
- 2.The District Collector
Office of the District Collector
Pudukottai-622 001
- 3.The Assistant Commissioner
Prohibition and Excise Department
District Collector Office
Pudukottai District



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4.The District Manager
Tamil Nadu State Marketing Corporation
(TASMAC)
Pudukottai District

5.The Revenue Tahsildar
Kulathur Taluk Office
Kulathur Taluk
Pudukottai District

6.Time Pass Sports & Recreation Club
rep.by its Secretary M.Sethuraman
S/o.Muniyandi
No.2/251, 3E, Ezhil Nagar
Krishnasamuthiram
Thiruverumbur Taluk
Trichirappalli-620 014

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 5 herein not to grant FL2 Licence in favour of the sixth respondent, namely Time Pass Sports & Recreation Club to run a bar in the building situated in Survey No.371/1A2A, Kundrandarkoil Panchayat Union, Kulathur Taluk, Pudukottai.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R3 & R5
Mr.H.Arumugam for R4
Mr.R.Gandhi, Senior Counsel
for M/s.Gandhi Associates for R6



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ORDER

[Order of the Court was made by The Hon'ble ACTING CHIEF JUSTICE]

Prayer in this writ petition is to direct the respondents 1 to 5 herein not to grant FL2 Licence in favour of the sixth respondent, namely Time Pass Sports & Recreation Club to run a bar in the building situated in Survey No.371/1A2A, Kundrandarkoil Panchayat Union, Kulathur Taluk, Pudukottai.

2. The sixth respondent has proposed to start a shop for sale of liquor and bar in the land situated in Survey No.371/1A2A of Kundrandarkoil Panchayat Union and applied for FL2 licence. Trichy-Pudukottai National Highway is running through the said land and the distance between the proposed bar site and the National Highways road is only 50 Feet. As per the directions issued by the Honourable Supreme Court, no shop for sale of liquor shall be situated within the distance of 220 Meters. Though the petitioner made representations to the authorities concerned in this regard, the same have not been considered. Therefore, this writ petition.

3. On the earlier hearing, in view of the contrary statements made by the learned counsel for the petitioner and the learned counsel for the sixth



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respondent with regard to the distance between the Club and the National Highways road, an Advocate Commissioner was appointed to measure the distance between the road margin and the Club with the help of the Taluk Surveyor and the authorities of the Highways Department. Pursuant to the said direction, the Advocate Commissioner has inspected the concerned site and filed a report before this Court.

4. A perusal of the said report shows that though the northern and southern side of the sixth respondent's Club is closed, but it is situated within 10.4 Meters from the National Highways Road and the northern side of the Club can be extended as an alternative entrance in future. Further, the distance between the Club and the road margin, as per aerial view, is 123.43 Meters.

5. Learned Senior Counsel appearing for the sixth respondent, on instructions, undertakes that the sixth respondent will not extend the entrance or open any alternative entrance in future and the present existing entrance alone will be used as entrance and he will not put up any board and any signage inviting any third party to use the Club.



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6. In view of the above undertaking given by the learned Senior Counsel for the sixth respondent, we are inclined to pass the following orders:

- (i) The sixth respondent shall not extend the entrance or open any alternative entrance in future and shall use the present existing entrance as the entrance of the Club.
- (ii) The sixth respondent shall not put up any sign boards or any other signage on the National Highways Road, since it is admitted that the members of the Club alone are permitted to use the said Club and no third party is permitted to use the said Club, unless the bylaws are permitted to do so.
- (iii) The authorities concerned shall inspect the premises periodically and any violation of the above undertaking is identified, necessary action shall be taken in accordance with law.



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7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., A.C.J.] [R.V., J.]

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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