



W.P.No.7285 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Orders Reserved On: 07.03.2025

Orders Pronounced on : 14.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.7285 of 2025
and
W.M.P.Nos.8105 & 8106 of 2025

Radha Rajalakshmi Hotels Private Limited,
Represented by its Authorised Signatory,
Mr A. John Cyril Raj, Chief Security Officer,
at No 4/129 Mount Poonamallee Road,
Chennai 600 089.

.... Petitioner

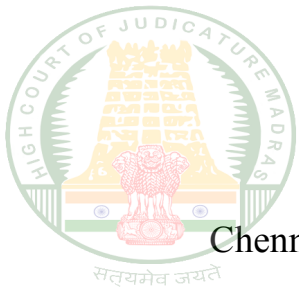
Vs

1. The Director General of Police,
At No. 1 Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

2.The Commissioner of Police,
Greater Chennai Police,
Veperi, Chennai 600 007.

3.The Assistant Commissioner of Police,
St. Thomas Mount Range,
Alandur, Chennai 600 016.

4.The Inspector of Police,
(Law and Order), Greater Chennai Police,
S4, Nanthambakkam Police Station,



W.P.No.7285 of 2025

Chennai 600 089.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the Show Cause Notice dated 21.02.2025 issued by the 3rd Respondent and quash the same and consequently direct the 2nd respondent to dispose the renewal application dated 06.12.2024 filed by the petitioner within a time limit fixed by this Court.

For Petitioner : Mr.Sathish Parasren
Senior Counsel
for Mr.Vijayan Subramanian
For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This writ petition has been filed challenging the order dated 21.02.2025 passed by the third respondent also for the consequential direction to dispose of the petitioner's renewal application dated 06.12.2024 filed by the petitioner for renewal of Public Resort License (in short 'PRL') for the year 2024.

2. The learned counsel for the petitioner submitted that the petitioner's company runs a luxury five-star hotel under the name "Feathers-A Radha Hotel" situated at Mount Poonamallee Road, Chennai 600 089 and the said hotel commenced operations in the year 2016.



W.P.No.7285 of 2025

WEB.COM

While being so, the 4th respondent registered an FIR bearing Crime No.149 under Section 24 of the Prohibition Act, as against three accused persons alleging that on inspection conducted at the petitioner's hotel premises and found that there is a bar in the Roof top and restaurant without any license or permission. Further, alleged that in the roof top, there is no parapet wall, wherein the Bar and the restaurant were running by the said hotel without any safety measures. Therefore, the fourth respondent/Inspector of Police seized the liquor bottles which were unauthorizedly kept in the roof top for sale. Initially, the petitioner had obtained Public Resort License issued by the second respondent on 04.11.2017 and subsequently it was renewed every calendar year commencing from 1st January to 31st December. The petitioner has applied for renewal of Public Resort License on 20.11.2023 for the year 2024 on payment of requisite fees. However, while pending the same, the petitioner was served with the show cause notice dated 20.12.2024 for the following license conditions violations:

- i) In your Hotel in the 7th floor roof top, apart from the permitted space, a separate space of 2000 sq.ft., has been allotted in the name of “Sky Loft” and there is a separate liquor storage room and liquor is served illegally in that place itself in a stall like structure set up to attract customers. A small restaurant is also running there. The place where bar service is running without permission on the roof top is in an unsafe condition



WEB COPY



W.P.No.7285 of 2025

without a surrounding wall and having only glass barrier of 2 feet, operating in violation of rules and without safety to the public.

ii) A case in S4 Nandambakkam Police Station in Crime No.149/2024, u/r 24 of TNP Act has been registered against this Star Hotel for conducting Music Program (Karoke) without permission on particular time in violation of rules and action is being taken.

iii) The people around the area are affected by the noise caused by the sound and light systems when programs are conducted in this Star Hotel.

iv) In this Star Hotel there is no adequate parking around the portico outside the hotel and the only one way is used as entry and exit points which caused hindrances to the public and the Traffic.

3. On receipt of the said show cause notice, the petitioner has submitted its explanation/reply on 09.01.2025, stating that the petitioner was issued with FL3 (Foreign Liquor License) license under the Tamil Nadu Liquor (License and Permit) Rules, 1981. It is also submitted that liquors can be consumed in the licensed rooms, lawns, and other appurtenances of a hotel in Tamil Nadu, if the hotel has an FL3 license. The petitioner also attached a letter from the Commissioner of Prohibition and Excise (circular letter P&E2(1)/3648/13 dated 27.03.2013), which states that "liquor may also be allowed to be consumed in the lawns and appurtenant of the hotels" as allowed under the TN Liquor License and Prohibition Rules. Hence, it is submitted that the petitioner need not to seek a separate permission or approval to serve



W.P.No.7285 of 2025

WEB COPY

food or liquor in a lawn or open to sky area which operations are only temporary depending on the weather and guest needs. Further, it is alleged that the petitioner's hotel is conducting a Music Program (Karaoke) without permission and due to which, it causes nuisance to the public residing adjacent to the petitioner's hotel. In response, it is submitted that for the past 9 years, the petitioner's hotel is conducting music program within the permitted noise level and it does not have any bright lights on the exterior of the hotel and therefore, it would not cause any public nuisance. Insofar as the other allegation stating that there is no adequate parking around the portico outside the hotel and the only one way is used as entry and exit point, which caused hindrances to the public and the Traffic is concerned, the petitioner has produced the photographs before this Court showing that the petitioner's hotel has one gate for entry and another gate for exit for guests. That apart there is a separate gate is also available to carry the goods into the petitioner's hotel. Further, the FIR registered in Crime No.149 of 2024, does not even whisper about the allegation of Musical Program and the inadequate parking around the portico regarding exit or entry points. However, the roof top is fully covered with glass parapet wall with a height of 5 feet and 7 inches from the floor. Therefore, the petitioner's hotel has followed



W.P.No.7285 of 2025

all safety measures and is running a roof top bar with restaurant. Without considering the above said facts, the impugned order dated 21.02.2025 came to be passed by the 3rd respondent. Aggrieved by the same, the petitioner has filed the present writ petition.

4. The main grievance of the petitioner is that, after the receipt of show cause dated 20.12.2024, the petitioner submitted its reply as early as on 09.01.2025. However, till date, no order has been passed on considering the petitioner's reply submitted by the petitioner. Further, it is submitted that the application filed by the petitioner for renewal of PRL also pending for consideration and without passing any order on the renewal application, the 3rd respondent passed an order dated 21.02.2025, thereby restraining the petitioner from conducting any event at the petitioner's hotel unless the PRL applied form is renewed, since the petitioner is operating and hosting events without PRL license in petitioner's hotel and banquet halls.

5. On perusal of the counter filed by the learned Government Advocate, it is evident that, based on the secret information, the 4th respondent and its team conducted an inspection at the petitioner's hotel



W.P.No.7285 of 2025

on 29.11.2024 and found that the petitioner was running a Bar and the

restaurant in the roof top. As per the proceedings of the Commissioner of Prohibition and Excise (i/c), Chepauk, Chennai, the petitioner was granted FL3 license on condition that the Licensee strictly follow the rule 21 of the Tamil Nadu Liquor (License and permit) Rules 1981 by fixing the area measurements and boundaries of the Bar and Store room as follows:

Area Measurement	Bar Room 3009.25 sq.ft	Store Room 270.83 sq.ft
Boundaries		
North	Smoking Area & Cabana	Restaurant & All Day Dinning
South	Building Wall	Building Wall
East	Building Wall	Stair Case & Bar
West	Stair Case Liquid Store Room & SP Restaurant	Building Wall

6. The above compliance has to be strictly followed in licensed premises. But the petitioner is running a Bar on the roof top i.e., in the 7th floor in the name of "Sky Loft" and there is also a separate liquor storage room and liquor is served illegally in that place itself in a stall-like structure set up to attract customers. Similarly, restaurant is also running in that place, which is unsafe to the guest, since the surrounding

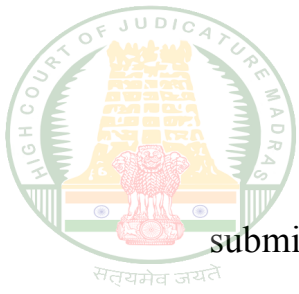


W.P.No.7285 of 2025

WEB COPY

wall is fitted by glass barrier. It is also stated that after the registration of

FIR, during investigation, it was also found that there were several complaints received from the general public against the petitioner's hotel with regard to nuisance, since the petitioner conducting Musical Program (Karoke) in the roof top while running a Bar and restaurant. The 4th respondent vide letter dated 30.11.2024 informed to the 3rd respondent, that no renewal of license can be recommended in light of the violations. Pursuant to the application filed by the petitioner for renewal of PRL dated 06.12.2024, the 2nd respondent issued a show cause notice dated 20.12.2024, seeking explanation as to why the request for Renewal of Public Resort License shall not be rejected for the violation of conditions in the earlier license. In the meanwhile, the 3rd respondent directed the petitioner not to conduct any event unless the PRL is applied for is renewed. It is contented by the learned counsel for the petitioner that even assuming that the petitioner is running a Bar and restaurant illegally in the roof top of the petitioner's hotel, the petitioner cannot be prevented from operating and hosting event inside the hotel premises and the Banquet halls. The petitioner's application for renewal of PRL is pending on the ground that the petitioner was issued with show cause notice for violations of conditions in the earlier license. The petitioner also



W.P.No.7285 of 2025

submitted its reply to the said show cause notice and the same is pending

WEB COPY for passing final orders.

7. In view of the above, this Court passes the following directions:

(i) The 2nd respondent is directed to renew the Public Resort License for the petitioner's hotel namely “M/s.Feathers-A Radha Hotel”, situated at No.4/129, Mount Poonamallee Road, Manapakkam, Chennai 600 089, forthwith on condition that the petitioner shall not operate any Bar and hosting events in the 7th floor of the petitioner's hotel and banquet hall.

(ii) The 2nd respondent is directed to pass final orders on the show cause notice dated 20.12.2024, on considering the petitioner's reply dated 09.01.2025, within a period of two weeks from the date of receipt of a copy of this order.

(iii) The 4th respondent is also directed to proceed with the FIR in Crime No.149/2024, as



W.P.No.7285 of 2025

against the petitioner in accordance with law.

WEB COPY

8. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

14.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
jd

To

1. The Director General of Police,
At No. 1 Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

2.The Commissioner of Police,
Greater Chennai Police,
Veperi, Chennai 600 007.

3.The Assistant Commissioner of Police,
St. Thomas Mount Range,
Alandur, Chennai 600 016.

4.The Inspector of Police,
(Law and Order), Greater Chennai Police,
S4, Nanthambakkam Police Station,
Chennai 600 089.

5. The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



W.P.No.7285 of 2025

G.K.ILANTHIRAIYAN, J.

jd

W.P. No.7285 of 2025

14.03.2025