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W.P.No.23164 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

WP No.23164 of 2025

Dr.A.Sridharan, Age 68 years
S/o. Late A.Anthonydas
Padhuvai Hospital
5/762, Sabari Road
Madipakkam
Chennai-600 091.

..

Petitioner

versus

1. The State of Tamil Nadu
rep. by the Chief Secretary
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai-600 009.
2. The Principal Secretary to Government
Home, Prohibition and Excise Department
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai-600 009.
3. The Principal Secretary to Government
Finance Department
Secretariat, Fort St. George
Chennai-600 009.



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4. The Principal Secretary to Government
Health and Family Welfare Department
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai-600 009.

5. The Commissioner of Prohibition and Excise
2nd Floor, Ezhilagam Building
Chepauk, Chennai-600 005.

6. The Director General of Police
Head of Police Force
Dr.Radhakrishnan Salai
Mylapore-600 004.

..

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st respondent (1) to evaluate the intoxication level of TASMAL liquor posing injurious to individual health and its magnitude of disease burden on public health and to enumerate the incident rate of alcohol addiction and alcohol dependence and its prevention, (2) to evaluate the incidents of domestic violence, women atrocities, childlessness among reproductive young women and rate of young widows whose husbands died of detrimental effect of liquor products of TASMAL and its prevention (3) to faithfully implement the above WHO recommendations and Canada model alcohol mitigation management in good letter and spirit so as to preserve public health in accordance with Article 47 of the Constitution of India and thus maintain peace and social harmony (4) to consider the petitioner's representation dated 27.02.2025 in the interest of public at large to as to safeguard the public and public health and to examine the feasibility of the proposed suggestion that the most amenable win-win solution for the Government and the public at large is that the State can gradually tapering the number of TASMAL shops thereby tapering its sale and its revenue loss may be compensated by enacting suitable law and policy to generate required revenue from sand and minerals mining to be run and owned by Government instead of leasing it to private bidders without infringe upon the policy decision of the Government.



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For Petitioner: Dr.A.Sridharan,
Petitioner in person

For Respondents: Mr.A.Edwin Prabakar,
Government Pleader
Assisted by Mr.M.Habeeb
Rahman, Government
Advocate-R1 to R5
Mr.A.Gokul Krishnan
Additional Public Prosecutor
for R6

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner is heard in person in this case. Heard Mr.A.Edwin Prabakar, Government Pleader assisted by Mr.M.Habeeb Rahman, Government Advocate for R1 to R5 and Mr.A.Gokul Krishnan, Additional Public Prosecutor for R6.

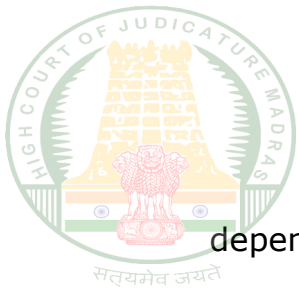
2. This petition, styled as public interest litigation, has been filed seeking issuance of a Writ of Mandamus directing the 1st respondent to undertake evaluation of the intoxication level of Tamil Nadu State Marketing Corporation liquor, (in short TASMAL liquor); to evaluate the incidents of domestic violence, women atrocities, childlessness amongst reproductive young women and rate of young widows whose husbands died of detrimental effect of liquor products of TASMAL and



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its prevention; to faithfully implement the World Health Organisation recommendations and Canada model alcohol mitigation management in its letter and spirit so as to preserve public health and ensure positive and productive public health consistent with the constitutional objectives enshrined in Article 47 of the Constitution of India so as to maintain peace and social harmony. The petitioner has also prayed for issuance of a Mandamus to consider his representation dated 27th February 2025, seeking to highlight concerns, concerning public health due to the deleterious effect on the health as a result of consumption of liquor.

3. The petitioner, who claims to be an allopathic doctor by profession, specialist in Anaesthesiology and Ph.D. Doctorate in hill-tribe's fertility disorders with long-standing experience and also having a background of he being a Member of Legislative Assembly in the past, argued in extenso and highlighted the harmful effects of alcoholic use, disease burden, diseases it triggers, the violence and injuries it causes and the pain and suffering endured. It is his case that ever since the introduction of TASMAL, it is the cumulative effect that more and more number of weaker sections are addicted to alcohol and its



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dependence and most of the family members including wife and children are subjected to undue hardship so as to maintain the family and children's education, which, in turn, leads to domestic quarrels and land their children in obnoxious behaviour and young married women are deprived of their matrimonial obligations. He also submits that looking to the health hazard across all sections of the community, particularly its effect and impact on the health of weaker sections of the community, it has now become imperative for the Government, the first respondent, to evaluate the intoxication level of TASMAC liquor posing injurious effect to individual health and its magnitude of disease burden on public health and to enumerate the incident rate of alcohol addiction and alcohol dependence and its prevention. According to him, it also requires an evaluation on the incidents of domestic violence, women atrocities, childlessness amongst reproductive young women and the rate of young widows whose husbands died of detrimental effect of liquor products of TASMAC and also to provide measures to prevent the same. He further submits that the Government is also obliged to formulate effective schemes in implementing the various recommendations made by the World Health Organisation, (in short, WHO), and also Canada model alcohol



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mitigation management.

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4. Per contra, learned counsel for the respondents would submit that in so far as vending of liquor is concerned, the same is regulated by law. Reference has been made to the provisions contained in the Tamil Nadu Prohibition Act, 1937 and the Tamil Nadu Liquor Retail Vending (in shops and bars) Rules, 2003. According to the learned counsel for the respondents, TASMAC operates under a regulatory framework concerning the quality and strength of alcoholic beverages. The Government, through its various Departments, including the Health and Family Welfare Department, continuously monitors public health indicators and undertakes strategies on the prevalence of various diseases. As far as the issue regarding vital medical warning information on the sticker label is concerned, the specific labeling information for alcoholic beverages is clearly stipulated in Para 5 in Food and Safety Standards (Alcoholic Beverages) Regulations, 2018 which are being scrupulously followed. The Government has also issued a comprehensive circular on 28.08.2019 to incorporate all the changes notified by the Food Safety and Standards Authority of India from time to time.



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5. The regulatory measures as contained in Rule 29 of the Tamil Nadu Brewery Rules, 1983, contained exhaustive provisions and measures, mandating supervision and making it obligatory to indicate in bold letters, the guaranteed fluid and all the labels are required to be approved by the competent authority. Moreover, all necessary statutory and regulatory requirements with regard to labeling and health warnings on alcoholic beverages are complied with. Stringent rules have been framed under the Tamil Nadu Prohibition Act, 1937. As per Rule 16 of the Tamil Nadu IMFS (Manufacture) Rules, 1981, the Excise Supervisory Officer is mandated to monitor all day-to-day activities of the manufactory. All TASMAC retail vending outlets are operated under a licence issued under Food Safety and Standards Act, 2006.

6. As far as the issue regarding the evaluation of incidents of domestic violence, atrocities against women, childlessness and young widows due to the detrimental effect of liquor products is concerned, learned counsel for the State submitted that these are complex socio-economic issues influenced by a multitude of factors and cannot be



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solely attributed to TASMAC liquor products. He however informs that following an incident of hooch tragedy in Kallakurichi District on 19th July 2024 (sic "19th and 20th June 2024") a One Man Commission headed by a former Judge has also been constituted on 20th of June 2024 on the terms of reference "to enquire the causes and circumstances leading to the casualties due to consumption of arrack alleged mixed with methanol on 19th and 20th of June 2024 and fix responsibility, to suggest suitable preventive measures, to study existing rules and regulations and modifications and inclusion of penal provisions for stringent enforcement and to suggest measures for rehabilitation of affected families." He also brings to the notice of the Court that rehabilitation fund for prohibition offenders has been created with an initial financial assistance of Rs.5 crores as yearly grant.

7. He would also inform that the Government has established de-addiction centres to wean away and rehabilitate those who were addicted to liquor and as per the report National Health Mission, Tamil Nadu, there are 29 functional de-addiction centres. The Government has also announced establishment of 25 de-addiction centres in



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Government Hospitals.

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8. It has been stated in the letter placed for consideration of this Court that the allegation that the Government is keen on increasing TASMACH shops is factually incorrect. The facts and figures which have been disclosed are that there were 7,896 shops run by TASMACH as on 31.03.2004. However, the Government has been taking consistent measures to reduce the shops in a phased manner and as on 30th of June 2025, there are only 4,829 number of shops permitted to function in the State of Tamil Nadu, which is approximately 3,067 shops lesser than the number of shops which were in existence on 31st March 2004.

9. After having heard the petitioner in person and the learned counsel for the State and on considering the details as contained in the petition and also in the letter dated 22.07.2025 of the Commissioner, Prohibition and Excise Department addressed to the writ petitioner, we find that at this stage, no specific direction is required to be issued by this Court. The relief as sought by the petitioner in this petition is essentially in the nature of substituting a new policy as far as creating



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awareness, prohibition, regulation and sale of liquor is concerned. It is not a case where there are no regulatory control or no provisions with regard to giving necessary details regarding content of liquor and other details regarding alcohol which is put to sale. Provisions with regard to the contents of labels in the bottles are contained in the regulatory provisions, as referred to hereinabove. These standards, as contended by the respondents are in accordance with the standards laid down by the Food Safety and Standard Authority, constituted under the Parliamentary Laws and State laws.

10. Moreover, we do not find that the public interest litigation contains any specific and reliable material, so as to constitute violation of the regulatory measures as contained in the Central and State laws or in various circulars and directions issued by the Government from time to time. No specific instance of statutory violation has been alleged in the petition.

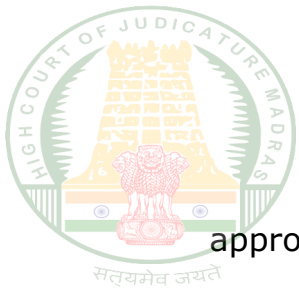
11. The nature and extent of relief sought in the writ petition, as we have said hereinabove, essentially requires the Court to assume the role of the executive and substitute a new policy on the lines of the



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suggestion made by the petitioner. That is something which falls within the executive domain. The prayer for issuance of direction for undertaking various kinds of evaluation are matters which are under consideration of a one member commission constituted by the State vide its order dated 20th of June 2024. No specific direction can be issued with regard to the details of content in the label. Once it is regulated by law, it is for the State to examine all these matters. We also find that this Court, earlier, had an occasion to deal with aspects relating to consumption and distribution of alcohol. In the case of *V.Ramkumar Adityan Vs. Additional Chief Secretary (2023 SCC OnLine Mad. 127)* decided on 4th January 2023, directions have already been issued. It includes directions regarding labeling requirements under the Food and Safety Standards (Alcoholic Beverages) Regulations, 2018 and Food Safety and Standards (Packing and Labeling) Regulations, 2011. This Court has also directed the State Government to consider printing the labels, displaying price list and contact details for registering complaints in Tamil.

12. In the background of the aforesaid consideration, as an upshot of the discussions as stated above, we do not consider it



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appropriate to issue any further directions. We may however hasten to add here, before parting with, that all matters relating to evaluation labeling etc., are in the executive domain and shall always be open for the State to examine any suggestion including those which have been made while framing/modifying the existing policy in the matter of vending of liquor in the State.

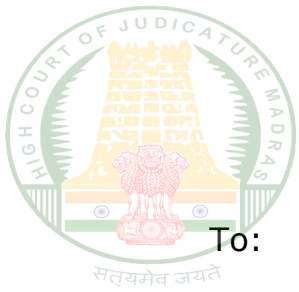
Subject to the aforesaid observation, the writ petition is dismissed. There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ)
23.07.2025

(SUNDER MOHAN,J)

Index : Yes/No
Neutral Citation : Yes/No

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To:

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Government of Tamil Nadu
Secretariat, Fort St. George
Chennai-600 009.
2. The Principal Secretary to Government
Home, Prohibition and Excise Department
Government of Tamil Nadu
Secretariat, Fort St. George
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5. The Commissioner of Prohibition and Excise
2nd Floor, Ezhilagam Building
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6. The Director General of Police
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Dr.Radhakrishnan Salai
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THE HON'BLE CHIEF JUSTICE
AND
SUNDER MOHAN,J.

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