



W.P.No.21858 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.21858 of 2025

&

W.M.P.Nos.24640 & 41879 of 2025

S.Nesaprabhu

.. Petitioner

Vs.

1. The Commissioner of Prohibition and Excise
Prohibition and Excise Department
Ezhilagam, Chennai.

2. The District Collector
Collectorate
Tiruppur District.

3. Assistant Commissioner (Excise)
Collectorate, Tiruppur.

4. District Manager
TASMAC, Tiruppur.

5. The Superintendent of Police
Tiruppur.

6. Thirupathy Relax Club
Cochin Main Road
Chiniyagoundenpalayam
Panikanpatti
Palladam, Tiruppur.

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 1st respondent to remove the FL2 bar operated by 6th respondent club based on the representation of the petitioner dated 30.04.2025.

For Petitioner : Mr.P.R.Krishnaraj

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for Respondents 1 to 3

Mr.M.Sekar
Senior Counsel
for Respondent-4

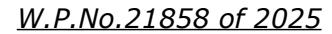
Mr.M.Muniyapparaj
Additional Public Prosecutor
for Respondent-5

Mr.S.Silambanan
Senior Counsel
For Mr.Babu Barveez
for Respondent-6

ORDER

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

Petitioner challenges the location of TASMALC shop stipulated by the Corporation, which is being run by the sixth respondent as a club under FL2 license, by providing facility of consumption of liquor to its



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4. On the other hand, learned State counsel would submit that after the direction was issued by this Court, inspection was carried out and it is found that if the route, which is now provided to have an access to the building as available on the spot, is adhered to, it is more than 220 meters from the main road, as the access to the gate is now



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provided at the back of the building. The submission, therefore, is that even if the building is situated on the side of the road, since it is not possible to enter the building from the road directly, but only from behind the building through circuitous road, the operation of FL2 license may not be treated as violative of the directions of the Supreme Court.

5. Learned counsel appearing for sixth respondent club, referring to various orders passed by the Supreme Court on 15.12.2016 and 31.03.2017, clarifications issued thereafter on 11.07.2017 and 23.02.2018 and the order dated 29.01.2024, as also the provisions contained in Rule 8 of the Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules, 2003, would submit that the spirit behind the order passed by the Hon'ble Supreme Court on 15.12.2016 is to address dangers to life and the safety caused by drunken driving on National and State Highways and it specifically deals with the problem from the perspective of the availability of alcohol. Therefore, even if the building is situated on the side of the Highway, if the entry to the building is so provided that one has to take the long circuitous route, which is more than 220 metres, the order of the Court is complied with in its letter and spirit.



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6. Learned counsel would further submit that consistent with the directives of the Supreme Court, the front signage and sign boards have been removed and now, one who is passing by the Palladam-Cochin State Highway, cannot make out that there is any bar. He would next submit that the conditions which have been incorporated by the Hon'ble Supreme Court in various orders may not be applicable to those cases where the entry to the bar itself is restricted to the members of the Club. Therefore, even if a passerby comes, there is no question of providing him liquor, as, he does not happen to be the member of the Club. In any case, the direction of the Supreme Court or the provisions contained in the Rules are not violated.

7. The photographs and google maps, which were filed by petitioner along with petition, clearly show that there is a bar raised by sixth respondent on the main road, as the sign board clearly reads. The yellow colour building shown in the photograph is the place where FL2 license bar is running. The photographs as well as google map, on the face of it, show that FL2 bar unit is situated just on the side of the State Highway.



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8. Before proceeding further with regard to application of the order of the Supreme Court, we may first deal with the stand of the sixth respondent that it is not running liquor shop, but a club. In our view, sixth respondent has not placed any material except making bald statement that it is a club. There is nothing to show that under the local registration laws, clubs are being allowed for such purposes. It only appears to be an eye-wash because the photographs show that there is a big sign board with writing "BAR".

9. Apparently, this is nothing but an indigenous devise to camouflage the very object and purpose. In any case, it is clear that liquor is being sold by sixth respondent. Therefore, the orders and the directions issued by the Hon'ble Supreme Court from time to time are clearly applicable.

10. An issue with regard to sale of liquor along and in proximity of Highways was brought before the Supreme Court. Taking into consideration that liquor was being sold along the National and State Highways and also addressing dangers to life and safety caused by drunken driving on National and State Highways and to specifically deal with the problem from the perspective of the availability of



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alcohol, exhaustive direction was issued by the Supreme Court on 15.12.2016. The relevant extracts of the direction of the Supreme Court in ***The State of Tamil Nadu v. K.Balu***¹ its order dated 15.12.2016 reads as under:

- “(i) All states and union territories shall forthwith cease and desist from granting licences for the sale of liquor along national and state highways;*
- (ii) The prohibition contained in (i) above shall extend to and include stretches of such highways which fall within the limits of a municipal corporation, city, town or local authority;*
- (iii) The existing licences which have already been renewed prior to the date of this order shall continue until the term of the licence expires but no later than 1 April 2017;*
- (iv) All signages and advertisements of the availability of liquor shall be prohibited and existing ones removed forthwith both on national and state highways;*
- (v) No shop for the sale of liquor shall be (i) visible from a national or state highway; (ii) directly accessible from a*

¹ (2017) 2 SCC 281



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national or state highway and (iii) situated within a distance of 500 metres of the outer edge of the national or state highway or of a service lane along the highway.

(vi) All States and Union territories are mandated to strictly enforce the above directions. The Chief Secretaries and Directors General of Police shall within one month chalk out a plan for enforcement in consultation with the state revenue and home departments. Responsibility shall be assigned inter alia to District Collectors and Superintendents of Police and other competent authorities. Compliance shall be strictly monitored by calling for fortnightly reports on action taken.

(vii) These directions issue under Article 142 of the Constitution.”

11. Later on, several applications were filed for extension of time, for compliance in certain cases or for modification. By another order passed on 31.03.2017, the direction issued earlier on 15.12.2016, contained in Clause (v) in paragraph 24, was modified as below:



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“After considering the submissions which have been urged before this Court, we are of the view that there are three areas where the rigors of the directions which have been issued by this Court may require to be suitably modulated without affecting the basic principle underlying the judgment. The first is in relation to limits of local bodies with a population of less than 20,000 people. In such areas, it has been urged before this Court that a state highway is the main thoroughfare area along which the township has developed in small clusters of 20,000 or less. Hence, the requirement of maintaining a distance of 500 metres from the outer edge of the highway or service lane may result in a situation where the entire local area may fall within the prohibited distance. We find some substance in the submission. We must emphatically clarify that even in such areas falling under local bodies with a population of less than 20,000, no licence for the sale of liquor should be issued along either a national or state highway or a service lane along the highway. Similarly, the sale of liquor should be from a point which is neither visible from a national or state highway or which is directly accessible from a national or



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state highway. However, in such a situation, the prohibited distance should in our view be restricted to 220 metres from the outer edge of the national or state highway or of a service lane along the highway. We accordingly direct that the following paragraph shall be inserted, after direction (v) in paragraph 24 of the operative directions of this Court in the judgment dated 15 December 2016 namely :

“In the case of areas comprised in local bodies with a population of 20,000 people or less, the distance of 500 metres shall stand reduced to 220 metres”.

12. Certain more clarifications were issued by the Supreme Court subsequently. One of such order was passed on 11.07.2017 giving clarifications with regard to internal roads within the Municipal limits. Another clarificatory order was also issued on 23.02.2018. Subsequently, another order was passed in **Kanagachettikulam Makkal Podhulana Eyakkam v. Union of India**². That order was, however, later on, recalled on 29.01.2024.

13. In clarificatory order passed on 11.07.2017 in **Arrive Safe**

² Civil Appeal No.1788 of 2023 dated 20.03.2023



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Society of Chandigarh v. The Union Territory of Chandigarh³,

question which arose for consideration was with regard to the applicability of the directions issued by the Supreme Court earlier with regard to the internal roads providing inter-sectoral connection, though classified as State/National Highway segment for the purpose of use of the central fund. The position was clarified by the Hon'ble Supreme Court keeping in view the earlier directions issued on 15.12.2016 as follows:

“6. The judgment of this Court dated 15 December 2016 addresses dangers to life and safety caused by drunken driving on national and state highways and specifically deals with the problem from the perspective of the availability of alcohol. Roads within a metropolitan city essentially provide connectivity within the city. Chandigarh is an illustration. The roads categorized as V1, V2 and V3 are essentially roads within the city. They were categorized as highways by an administrative decision of 21 October 2005 primarily with a view to ensure their maintenance and development by availing of funds available from the Central Road Fund. The

³ (2018) 13 SCC 133



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alteration in the nomenclature of certain roads, which has been carried out by the subsequent notification dated 16 March 2017, has left unaffected National Highway no 21 which passes through the city and Madhya Marg which connects the States of Haryana and Punjab. The judgment of this Court dated 15 December 2016 prohibits the grant of licences for the sale of liquor along and in proximity of the National and State Highways including those falling within the limits of municipal corporations, cities, towns or local authorities. Directions (i) and (ii) extracted earlier did not prevent the Administration from re-classifying inter-sectoral roads within the city from state highways to major district roads. The exercise carried out by Chandigarh Administration does not breach the directions issued by this Court. It is neither in violation of the terms of the order nor of the purpose and intendment behind those directions.

7. The purpose of the directions contained in the order dated 15 December 2016 is to deal with the sale of liquor along and in proximity of highways properly understood, which provide connectivity between cities, towns and villages. The order does not prohibit licensed establishments



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within municipal areas. This clarification shall govern other municipal areas as well. We have considered it appropriate to issue this clarification to set at rest any ambiguity and to obviate repeated recourse to IAs, before the Court.”

14. What has been stated in paragraph 6 makes it clear that the judgment of Supreme Court delivered on 15.12.2016 prohibits grant of licenses for the sale of liquor along and in proximity of the National and State Highways, including those falling within the limits of Municipal Corporation, Cities, Towns or Local Authorities. That will not, however, apply in case of internal roads which are not part of the stretch of National and State Highways. It was, in this context, that the clarification contained in paragraph 7 was issued.

15. Certain clarifications were also issued subsequently on 23.02.2018 enabling the State to frame its own rule in respect of its internal roads not being National or State Highway.

16. In the light of the aforesaid directions which have been issued by the Supreme Court, we have to see as to what provisions have been made in the State Rules relating to location of various



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shops. Rule 8 provides for location of shops. Rule 8, in terms, does not provide for specific bar with regard to the shop on National or State Highway, but proximity to schools, educational institutions, temples etc. However, Explanations were added in 2019 only to give effect to the directives issued by the Supreme Court on 15.12.2016, modified vide order dated 31.03.2017. Explanation (2) is reproduced as below:

“Explanation (2) –

(a) Wherever the distance of the shop from the outer edge of National or State Highway or service lane along the Highway needs to be determined, the same shall be measured from the entry door of the shop to the outer edge of the National or State Highways or of a service lane along such highway.

(b) when the retail vending shop is located alongwith other shops within a building, the distance would be, the sum total of the length of the shortest public pathway, lane, Street or Road, generally used by the members of the public from the outer edge of National or State Highways or service lane along the Highways till the nearest entry gate of the building in which the shop is located and thereafter, the shortest pathway used by the people to reach the entry door of the



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shop.”

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17. If we look into the directives of the Supreme Court, as contained in its order dated 15.12.2016, the prohibition operates in the manner as referred to herein above. In particular, clause (v) of the directive clearly provides that no shop for the sale of liquor shall be (i) visible from the National or State Highway, (ii) was directly accessible from a National or State Highway, and (iii) situated within a distance of 500 metres of the outer edge of the National or State Highway or of a service lane along the Highway.

18. In relation to local areas with less than 20000 population, subsequent clarification issued on 31.03.2017, referred to above, is applicable, according to which, the minimum distance required to be maintained is 220 meters in place of 500 meters.

19. Present is not a case where the building wherefrom liquor is sold to persons, is situated away from State Highway, inter-sectoral or colony road or any road not forming part of the stretch of the National or State Highway. The location of the shop, as is crystal clear, is just adjacent to the State Highway. A person can enter the building in few



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steps.

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20. An argument has been raised that after the intervention of this Court, the front sign board has been removed and a wall has been raised and thereafter, a side road has been developed in a manner that the said road, which was pre-existing, alone can be used to connect the back part of the building where a new door has now been opened. Referring to the map, it is submitted that if one wants to have an access to the club, he will have to go through the side pathway and then, again turn and come back to the building, wherein, he can make an entry from the newly opened gate on the backside of the building. It is submitted that now, from the front side of the building, entry is not permitted.

21. The requirement, as referred to above, is not only with regard to the visibility from a National or State Highway or direct accessibility from a National or State Highway, but also that the building should be situated at a distance of 220 meters, as is applicable in the present case. If the building is situate on the edge of the State Highway, all attempts made to create a circuitous road opening a door at the backside of the building, cannot be allowed, as



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this would amount to circumventing the directions of the Supreme Court.

22. Learned counsel for sixth respondent would vehemently urge this Court to clarify and interpret the order of the Supreme Court, particularly what has been stated in clause (v) of the directions issued on 15.12.2016 in the manner that if a circuitous route is provided as the only way of entry to a building which may otherwise be situated adjacent to the State Highway, then there would not be a case of prohibition as the circuitous way is more than 220 meters.

23. In our opinion, we have to understand the order of the Supreme Court as is stated and we cannot interpret the order by clarifying or modifying what has been stated herein.

24. In view of the above, we are of the view that the location of the shop is on a building which is situated only few steps away from the State highway and therefore, it is clearly in the teeth of the directions issued by the Supreme Court on 15.12.2016, as modified by order dated 31.3.2017.

25. The State authorities are, therefore, directed to cancel the



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license of the shop granted to sixth respondent and sixth respondent is restrained from carrying out any activity of sale or consumption of liquor in the said building.

26. Petition is disposed of. There shall be no order as to costs.
Consequently, the interim applications are closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
18.11.2025

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Commissioner of Prohibition and Excise
Prohibition and Excise Department
Ezhilagam, Chennai.
2. The District Collector
Collectorate
Tiruppur District.
3. Assistant Commissioner (Excise)
Collectorate, Tiruppur.
4. District Manager
TASMAC, Tiruppur.



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5. The Superintendent of Police
Tiruppur.

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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(kpl)

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