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W.A.No.2048 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2025

CORAM

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE Mr. JUSTICE HEMANT CHANDANGOUDAR

W.A.No.2048 of 2025

AND

C.M.P.No.15547 of 2025

M/s.TN Tourism Society Adyar
Rep. by its President S.Kalyan Saarang
79, Injambakkam
ECR, Chennai 600 115

.. Appellant

Vs.

1.The Commissioner of Prohibition and Excise
O/o.The Commissioner of Prohibition and Excise Department
Chepauk, Chennai 600 005

2.The District Collector
Chennai District
Chennai 600 001

3.Prem Kallat

.. Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order
dated 25.06.2025 passed in W.P.No.13291 of 2025.



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For Appellant : Mr.N.Thamizhanban
For RR1 & 2 : Mr.E.Vijay Anand
Additional Government Pleader
For R3 : Mr.S.R.Raghunathan
for Mr.K.Selvakumar

J U D G M E N T

[delivered by R.SURESH KUMAR, J.]

This intra-court appeal has been directed against the order dated 25.06.2025 passed by the writ Court in W.P.No.13291 of 2025.

2. The present appellant was the writ petitioner in whose favour originally FL-2 license was given and subsequently, in order to get renewal, the appellant/writ petitioner approached the 2nd respondent/District Collector. Having considered the said request for FL-2 license, the 2nd respondent rejected the same in his proceedings in R.C.No.L3/2744230/2024 dated 24.03.2025. Challenging the said rejection order, the appellant/writ petitioner filed a writ petition seeking quashment.

3. The learned Judge who heard the writ petition, dismissed the same, by upholding the rejection order passed by the 2nd respondent on the ground that the premises of the appellant/writ petitioner where he wanted to conduct the bar,



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for which he sought for renewal of FL-2 license, belongs to the 3rd respondent, though it was initially leased out to the appellant/writ petitioner, subsequently, the lease has not been renewed by the 3rd respondent. In this context, already litigations have been filed before the civil Court which are said to be pending.

4. When that being the position, the learned Judge found that there has been no clear title even by way of lease by a proper lease deed from the owner of the property, the question of considering the FL-2 license as sought for by the appellant/writ petitioner does not arise and therefore, it was rightly considered and rejected by the 2nd respondent through the order impugned before the writ Court. Therefore, the learned Judge dismissed the writ petition through the impugned order.

5. We have heard Mr.N.Thamizhanban, learned counsel for the appellant/writ petitioner, Mr.E.Vijay Anand, learned Additional Government Pleader, appearing for the respondents 1 and 2 and Mr.S.R.Raghunathan, learned counsel appearing for the 3rd respondent.

6. The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that initially though the FL-2 license was given to the appellant/writ petitioner, subsequently, when renewal application



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was filed, it was found that the very premises itself for which FL-2 license was sought to be renewed, does not belong to the appellant/writ petitioner and under the capacity as a lessee, he has not produced a valid lease hold agreement properly renewed with the 3rd respondent, who is the owner of the property. When that being so, the request made by the appellant/writ petitioner was turned out, of course rightly, he contended.

7. Mr.S.R.Raghunathan, learned counsel appearing for the 3rd respondent would submit that the 3rd respondent is not ready and willing to renew the lease agreement and in fact, the 3rd respondent wanted the appellant/writ petitioner to vacate the premises and in this regard, already civil Court has been approached by the parties.

8. It is the further contention of the learned counsel appearing for the 3rd respondent that despite FL-2 license renewal has been rejected by the order dated 24.03.2025, till yesterday, the board showing that the appellant/writ petitioner is running the bar and liquor being sold there was still available and yesterday only they removed the board which shows that till date, the appellant/writ petitioner is running the business *i.e.*, illegally, he contended.



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9. Even though the said allegation is denied by the learned counsel for the appellant/writ petitioner, the fact remains that the date on which the renewal application was considered and rejected by the 2nd respondent *i.e.*, 24.03.2025, the appellant/writ petitioner ceased to become the licensee of FL-2 license provided by the respondents 1 and 2 to deal with the liquor. When that being the position, the appellant/writ petitioner does not have any legal authority to deal with the liquor sale or distribution of the liquor, either to the public or to the members of the so-called society *i.e.*, TN Tourism Society Adyar, which is the name they have shown for the appellant/writ petitioner.

10. In this context, even though it was denied by the learned counsel appearing for the appellant/writ petitioner for the illegal sale of liquor in the premises itself, this position has to be verified by the respondents 1 and 2 and if need arises, necessary complaint has to be lodged before the jurisdictional police and if any such complaint is lodged, the jurisdictional police shall be duty bound to enquire the matter and proceed in accordance with law against the appellant/writ petitioner or their men.

11. Insofar as the decision taken by the learned Judge in rejecting the writ petition by refusing to interfere with the order of rejection for renewal of



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FL-2 license passed by the 2nd respondent dated 24.03.2025 is sustainable and in that view of the matter, we are not inclined to interfere with the order impugned.

Resultantly, this writ appeal fails and accordingly, it is dismissed. No costs.

Connected C.M.P. is closed.

[R.S.K., J.] [H.C., J.]

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Index : Yes/No

Neutral Citation : Yes/No



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To
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