



W.P(MD)No.24773 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24773 of 2025

and

W.M.P(MD)Nos.19472 & 19474 of 2025

Tvl.Brindha Sports Club,
Represented by its Secretary
V.Sankaralingam,
S/o.Veluthevar,
Door No.10/1, Pavali Road,
Virudhunagar Town and Taluk,
Virudhunagar District.

... Petitioner

Vs.

- 1.The State represented by
The Principal Secretary,
Home, Prohibition and
Excise Department,
Fort St.George,
Secretariat,
Chennai – 600 009.
- 2.The Commissioner,
Prohibition and Excise Department,
Ezhilagam, Chepauk,
Chennai – 600 005.



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3.The Assistant Commissioner (Excise),
Prohibition and Excise Department,
Virudhunagar.

4.The District Manager,
Tamil Nadu State Marketing
Corporation Limited,
(TASMAC),
Virudhunagar.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for records pertaining to the impugned order passed by the second respondent in Proc.P and E.2(2)/5157/2025-3 dated 04.09.2025 and quash the same.

For Petitioner : Mr.R.Murali
for Mr.T.Bashyam

For Respondents : Mr.M.Gangatharan
Government Advocate
for R.1 to R.3

Mr.H.Arumugam for R.4

ORDER

Heard both sides.

2.By the impugned order, the second respondent had suspended the writ petitioner's FL2 license for a period of 30 days and supply quantity



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has also been reduced. A bare look at the impugned order would show that it was passed on the basis of the inspection report of the Assistant Commissioner (Excise), Virudhunagar District. No show cause notice was issued to the petitioner. This is in clear violation of the principles of natural justice.

3. Section 23(3) of Tamil Nadu Prohibition Act, 1937 reads as follows:

“23. Power to cancel or suspend licences and permits-
(3) Before any licence or permit is cancelled or suspended under sub-section (1) or sub-section (2), the holder of the licence or permit shall be given an opportunity to state his objection within a reasonable time, not ordinarily exceeding fourteen days, and any representation made by him in this behalf shall be duly taken into consideration before final orders are passed]. ”

Rule 22(1) of the Tamil Nadu Liquor (License and Permit) Rules, 1981 reads as follows:

“Cancellation or suspension of licences.-

(1) The licensing authority may, after giving in writing to the licence holder an opportunity to show cause within a reasonable time not exceeding 14 days against



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the action proposed to be taken or order proposed to be issued, stating the reasons there for; by an order in writing specifying the reasons, cancel the licence under these rules or suspend it for such period as it thinks fit, if in its opinion, the licence holder has failed to comply with any of the conditions of the licence or of any of the provisions of the Act or the rules made thereunder.”

4.The impugned order is not in consonance with the aforesaid statutory mandate. In this view of the matter, the order impugned in the writ petition is quashed. The matter is remitted to the file of the second respondent. It is open to the second respondent to act as per law.

5.This Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

18.09.2025

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

Note: Issue order copy on 19.09.2025.



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- To
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G.R.SWAMINATHAN, J.

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