



W.P.(MD)No.25118 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

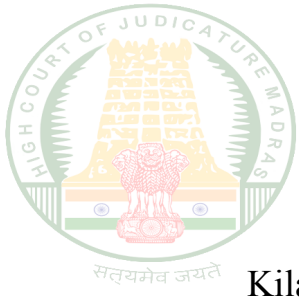
W.P.(MD)No.25118 of 2025
and
W.M.P.(MD)No.19708 of 2025

R.Paulraj

... Petitioner

/Vs./

1. The Tamil Nadu State Marketing Corporation Ltd (TASMAC),
Rep by its Chairman and Managing Director,
Thalamuthu Natarajar Building,
Egmore, Chennai - 600 008.
2. The District Collector,
Collectorate, Tenkasi District.
3. The District Manager,
Tamil Nadu State Marketing Corporation Ltd (TASMAC)
Tenkasi District.
4. The Tahsildar,
Tenkasi Taluk,
Tenkasi District.
5. Thendral Manamahil Mandram,
Rep by Mr.S.Bharathiraja,
Tenkasi to Tirunelveli Main Road,



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Kilapavoor Vilakku,
Kilapavoor,
Alangalam Taluk,
Tenkasi District.

6. The Assistant Commissioner (Prohibition and Excise),
Chennai. ... Respondents

(R6 is suo motu impleaded vide order Court dated 15.09.2025 in this writ petition.)

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondent No. 1 to 4 forbearing the Respondent No.5 from opening and operating the TASMAL Shop along with recreation club (Bar) namely Thendral Manamahil Mandram situated at Tenkasi to Tirunelveli Main Road, Kilapavoor Vilakku, Kilapavoor, Alangulam Taluk, Tenkasi District in violation of the Tamil Nadu Liquor Retail Vending (in Shops and bars) Rules, 2003 without consider the reasonable objection made by the local residence of the petitioner village by considering the petitioner's representation dated 22.07.2025 within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash
For Respondents : Mr.P.Thilak Kumar (R2 & R4)
Government Pleader
Mr.S.Sivanesan (R1 & R3)
Standing Counsel



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Mr.T.Lajapathi Roy (R5)
Senior Counsel
for M/s.Lajapathi Roy & Associates

ORDER

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

This writ petition is filed seeking a mandamus directing the official respondents R1 to R4 to forbear R5 from opening and operating a Tasmac shop along with recreation club (bar) by the name of 'Thendral Manamahil Mandram' situated on the Tenkasi to Tirunelveli Main Road, Kilapavoor Vilakku, Kilapavoor, Alangulam Taluk, Tenkasi District.

2. The learned counsel appearing for the petitioner submits that such a bar / Tasmac shop would be in violation of the Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules, 2003 ('2003 Rules') and the petitioner has also made an objection before the authorities.

3. Mr.P.Thilak Kumar, learned Government Pleader accepts notice for R2 and R4. Mr.S.Sivanesan, learned Standing Counsel accepts notice for R1 and R3. Mr.T.Lajapathi Roy, learned Senior Counsel accepts notice for R5.



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4. The respondent counsel point out firstly that the prayer is misconceived, insofar as the recreation club which is proposed to be operated would not be governed by the 2003 Rules, but by the Tamil Nadu Liquor (Licence And Permit) Rules, 1981 ('1981 Rules'). That apart, the objections of the petitioner have already been rejected vide proceedings in Na.Ka.No.S2/5328/25 dated 13.09.2025. Hence, the writ petition is infructuous as on date.

5. In light of the aforesaid, the prayer stands amended to one of Certiorari, challenging proceedings dated 31.07.2025 issued by the Assistant Commissioner (Prohibition and Excise), Chennai, who is suo motu impleaded as R6, and Mr.P.Thilak Kumar, learned Government Pleader accepts notice for R6.

6. In light of there being an efficacious remedy of appeal under Rule 2 of the Tamil Nadu Prohibition Appeal And Revision Rules, 1983 ('1983 Rules') as against the order passed by R6, impugned in this writ petition, the petitioner is relegated to appeal remedy.

7. Rule 5 of the 1983 Rules provides for filing of appeal within 30 days and Rule 4 of 1983 Rules for a stay of the offending



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order. It appears that the aforesaid order has not been served on the petitioner and there is no acknowledgement produced before us by the respondents, despite a specific query. Hence, a copy of the impugned order is handed over to learned counsel for the petitioner for onward transmission to the petitioner and today is taken to be the date of service.

8. The petitioner may, if he should so desire, file the appeal along with appropriate stay application and status quo shall be maintained for a period of six weeks from today or till disposal of stay application, whichever is earlier. This writ petition is disposed in terms of this order. Consequently, connected miscellaneous petition is closed. No costs.

[A.S.M.J.] & [C.K.J.]
15.09.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes
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DR.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

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To

1. The District Collector,
Collectorate, Tenkasi District.
2. The Tahsildar,
Tenkasi Taluk,
Tenkasi District.
3. The Assistant Commissioner (Prohibition and Excise),
Chennai.

Order made in
W.P.(MD)No.25118 of 2025

Dated:
15.09.2025