



W.P.(MD)No.25234 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2025

CORAM:

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

WP(MD) No.25234 of 2025

and

W.M.P(MD)No.19776 of 2025

C.Lazer,
S/o.Chellappan Nadar, Door No.15-130,
Alanthurai, Palliyadi Post,
Kanyakumari District.

Petitioner

Vs

- 1.The District Collector,
Kanyakumari District at Nagercoil.
- 2.The Assistant Commissioner of Excise,
Kanyakumari District.
- 3.The District Manager (TASMAC),
IMFS Depot, Bhethel Nagar,
Senbagaramanputhur,
Aaralvai Mozhi,
Thovalai Taluk,
Kanyakumari District.



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4.The Assistant Manager (TASMAC)

IMFS Depot,
Bhethel Nagar,
Senbagaramanputhur,
Aaralvai Mozhi,
Thovalai Taluk,
Kanyakumari District.

5.The Tahsildar

Kalkulam Taluk,
Thuckalay,
Kanyakumari District.

6.A.John,

S/o.Amirthaiyan,
No.4/90C,
RC Street Unnamalaikadai,
Kanyakumari District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 herein to take appropriate action as against the 6th respondent herein for running illegal TASMAC Bar attached to TASMAC Shop No.4860 in Door No.11-13E, Eraniel Village, Kalkulam Taluk, Kanyakumari District and to issue closure orders to the said TASMAC Bar on the basis of petitioner's representation made before the respondents 1 to 5 herein by RPAD dated 12.06.2025 within a time frame fixed by this Court.



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For Petitioner : Mr.B.Brijesh Kishore
For Respondents : Mr.P.Thilak Kumar
Government Pleader
(for R1, R2 & R5)

: Mr.Veera.Kathiravan
Additional Advocate General
Assisted by
Mr.S.Sivanesan (for R3 & R4)

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

The petitioner seeks a Mandamus directing R1 to R5 to take appropriate action against R6 for running an illegal and unauthorized Tasmac Bar attached to Tasmac Shop No.4860 in Door No.11-13E, Eraniel Village, Kalkulam Taluk, Kanyakumari District (Tasmac shop/shop in question).

2.At the outset, and as a preliminary objection, Mr.Veera Kathiravan, learned Additional Advocate General, for Mr.S.Sivanesan, appearing for respondents 3 and 4, assails the maintainability of this Writ Petition on the ground that the petitioner is not a resident in the immediate vicinity of the shop and hence, he has no locus standi to file this Writ Petition.



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3.We reject this contention as the petitioner is admittedly a resident of that village. In our view, immediate proximity to the Tasmac shop is not required for a petitioner to question an illegality in respect of that Tasmac shop, as long as the respondents do not establish that the Writ Petition is motivated in any other manner. This, the respondents have not done. Hence, the objection on the ground of maintainability is rejected.

4.The submissions of Mr.Brijesh Kishore, learned counsel appearing for petitioner, are to the effect that the running of the Tasmac bar is illegal. R6 was the highest bidder and was granted a licence on 07.02.2024, specific to the running of the shop in the same premises as the bar. However, the shop is not located within the bar premises, but is instead in an adjoining location.

5.That apart, the running of the shop is contrary to the *Tamil Nadu Liquor Retail Vending (In Shop and Bars) Rules, 2003* (in short 'Rules'). He submits that there are schools in the vicinity as well as several temples, one of which shares a compound wall with the bar.



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Hence, the location of the bar is itself contrary to the distance stipulations under the Rules, though that has not been challenged.

6.Per contra, learned counsels for the respondents assail the Writ Petition on the ground that both the shop and bar are in compliance with the Rules.

7.The required distance measurements have been complied with, and in any event, the shop has been in the same location for more than two decades. Hence, the respondents contend that there is no justification whatsoever in the present Writ Petition.

8.Both parties have filed maps of the area. We have perused the papers and studied the maps to understand the factual aspects of the matter. Our decision is as follows. A licence was granted to R6 to run a Tasmac retail vending shop bearing No.4860 in Door No.11-5A, Eraniel Village, Kalkulam Taluk, Kanyakumari District on 02.03.2020. Admittedly, the shop in question has been in existence for several years in that location. The challenge in the present Writ Petition does not really address the shop, but only the bar. To this extent, we would assuage the apprehensions of the respondents that the shop in question will be



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disturbed in any way and as we restrict ourselves in this order to the attached bar only.

9.The first argument advanced by the petitioner is that the bar is attached to the shop and must, therefore, be in the same premises. In the present case, the licence dated 13.02.2024 issued to the shop stipulates the address as Door No.11-5A, Eraniel Village, Kalkulam Taluk, Kanyakumari District.

10.The Rules provide for various aspects in respect of the running of Tasmac shops and bars and Rule 10 reads as follows:

“10. Location of Bar –

(1) The bar shall lie within the shop or adjoining the shop.

1[(2) The bar shall have a minimum plinth area of fifteen square metres. Therequirement of plinth area for any bar exceeding fifteen square metres shall be decided by the Collector. (3) Every bar shall be housed in pukka building and no part of the bar shall be thatched either on the sides or on the roof. The bar room shall be sufficiently screened so that consumption of liquor is not visible from outside and shall also be provided with fans. Sufficient number of tables and chairs for the consumers to conveniently sit and consume liquor shall be provided. Such room shall not be used as a club or recreation room or for any other purpose whatsoever. No gambling or any kind of disorderly conduct in the shop shall be permitted.

(4) Facilities such as drinking water and wash basin within the surroundings of each shop premises shall be



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provided and the shop, its premises and surroundings shall be always kept clean, hygienic and well it.

(5) Every shop shall have a signboard in Tamil in front of the shop showing the number of the shop and details regarding authorization issued by the Corporation for the shop, the price of liquor in different sizes of bottles sold in the shop shall also be displayed. There shall also be displayed on the signboard the following slogans in bold letters about the evils of drinking and such other slogans as may be approved by the Commissioner."

11.Rule 10(1) makes it mandatory for the bar to be located within the shop or adjoining the shop. Rule 10(3) specifies that the bar shall be housed in a pucca building and no part of the bar shall be thatched either on the sides or on the roof.

12.In the present case, the location of the bar admittedly is not at Door No.11-5A, Eraniel Village, Kalkulam Taluk, Kanyakumari District, although the licence for running the bar mentions that address. The admitted location of the present shop is a few buildings away, at Door No.11-13E, Eraniel Village, Kalkulam Taluk, Kanyakumari District.

13.We are given to understand that initially the bar was located on the first floor of the Tasmac shop. However, there was a change in the location of the bar and it had been shifted to a different compound. As



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the present location is neither within nor adjoining the shop, this constitutes the first violation.

14.That apart, on a perusal of the maps that have been produced before us, it is clear that the bar has a common wall with an adjoining temple, ie., Keelatheru Poomathamman Temple, ('temple in question') and the two ie., temple and bar, share a common wall.

15.The respondents have sought to explain this away drawing attention to the definition of “Place of worship” in Rule 2(p) of the Rules, which reads as follows:

“Place of worship” means a temple, mosque, church or gurudwara where organised and ritualistic prayers are offered regularly at least once in a week but does not include any structure whether with or without a deity on road-side, pavement or footway or in the compound of any building which is not a place of worship itself”

16.The above definition puts paid to the submissions of the State that the temple in question must be a public temple as there is no such stipulation in the Rule. The definition of “Place of worship” extends to any temple, mosque, church or gurudwara where prayers are offered regularly and in an organised fashion atleast once a week.



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17.In the present case, we are given to understand by the petitioner that the temple is managed by a family, resident outside Tamil Nadu. There is daily maintenance of the temple and Nithya poojas are conducted. In our considered view, the mere fact that it is a private temple would not exclude it from the protection afforded under the Rules. Photographs of the temple have also been produced before us, which indicate that it is a temple with regular upkeep and maintenance.

18.What stands excluded from the definition of “Place of worship” are adhoc structures placed willy-nilly either on the road side or in compounds, where there is no organised worship, as such. Since the temple in question, in our view, falls squarely within the definition of 'place of worship' and is not covered by the exclusion, the location of the bar rubbing shoulders with the temple within 100 meters therefrom, constitutes the second violation.

19.In addition, the photographs also show that the bar is run in a compound covered on the top and sides by metal sheets. Rule 10(3) makes it clear that the bar should be housed in a pucca building. Hence, the Rules do not envisage a bar to be run in a temporary structure as is



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being done in the present case.

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20.As a measure of defence against the violation of the distance rule, the State has produced a map to show that the distance between the temples and shop is beyond 100 meters as required under Rule 8.

21.That may be true if one were to measure the distance from the gate of the compound where the bar is located to the gate of the compound where the temple is located. However, this does not save the present case, as the arrangement of the buildings in the area is such that the two compounds, where the bar and temple are located, converge behind the buildings with no distance at all between them. Thus, if one were to actually compute the distance between the bar and the temple, with only the common compound wall separating the two, it would be far less than the 100 meters required under Rule 8(1).

22. There is a purpose behind Rule 8, which prohibits the establishment of a shop within 100 meters of a place of worship or a school. The reason is evident. Visitors to a Tasmac shop or bar are more likely to engage in conduct which is contrary to the discipline expected



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to be followed in temples and educational institutions. It is a matter of public knowledge that there is hardly any decorum found in Tasmac bars.

23. More often than not, the conditions in the bars are unhygienic, requiring sufficient distance being maintained between them on the one hand, and schools and places of worship on the other. The interpretation of the Rules must be in line with, and intended to advance their spirit, object and language, rather than frustrate them.

24. For the above reasons, we allow this Writ Petition. The bar in question in the present location shall be closed forthwith and directions are issued to R1 to R5 to take appropriate action to ensure closure of the same within 48 hours from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

[A.S.M.J.] & [C.K.J.]
16.10.2025

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

AND

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