



W.P(MD)No.31694 of 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 06.11.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.31694 of 2025**

M/s.Vanavil Sports Club,  
Rep. by its Secretary D.Rajkumar.  
S/o.late Dhanasekaran,  
No.24-K, Sri City Nagar,  
Madurai-Mandapam Main Road,  
Nelumudikarai Village,  
Thiruppuvanam Taluk,  
Sivagangai District.

... Petitioner

**Vs.**

- 1.The Commissioner of Prohibition and Excise,  
Chepauk, Chennai-600 005.
- 2.The District Collector,  
Sivagangai District, Sivagangai.
- 3.The Superintendent of Police,  
Sivagangai District.
- 4.The Deputy Superintendent of Police,  
Manamadurai.
- 5.The Assistant Commissioner (Excise),  
Sivagangai.
- 6.The Tahsildar, Thiruppuvanam Taluk,  
Sivagangai District.



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7.The Inspector of Police,  
Thiruppuvanam Police Station,  
Sivagangai District.

8.M.Sathish Kumar  
S/o.Mahalingam,  
42, Perumal Kovil Street,  
Thiruppuvanam,  
Sivagangai.

(R8 suo motu impleaded  
on 06.11.2025 in W.P.(MD)No.31694 of 2025)

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 2nd respondent in Na.Ka.No.T3/13378/2023 dated 14.10.2025, quash the same as illegal, arbitrary, and without jurisdiction, and consequently, direct the 1st respondent to consider the earlier recommendation of the 2nd respondent in Na.Ka.No.T3/13378/2023 dated 23.08.2024 and grant the FL-2 licence to the petitioner-Club within such time as may be fixed by this Court.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.M.Lingadurai  
Special Government Pleader  
for R1, R2, R5 & R6

: Mr.M.Mahaboob Fazil  
for M/s.Roy & Roy Associates  
for R8

: Mr.A.Albert James  
Government Advocate for R3, R4 & R7



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## **ORDER**

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Heard both sides.

2.The writ petitioner has applied to the first respondent for grant of FL2 License. The impleaded respondent had raised his objections to the functioning of the club. In fact, the impleaded respondent filed W.P.(MD)No.22649 of 2024. Vide order dated 28.04.2025, the Hon'ble Division Bench disposed of the writ petition with a direction to the District Collector, Sivagangai to consider his objections and pass an appropriate order. Pursuant to the said direction, the impugned order dated 14.10.2025 has been passed by the District Collector, Sivagangai ordering that FL2 License need not be issued in favour of the writ petitioner.

3.Privilege and the license to a non-proprietary club for possession of liquor is granted in Form FL2 under the Tamil Nadu (License and Permit) Rules, 1981 by the The Commissioner of Prohibition and Excise, Chepauk, Chennai. There are different kinds of licenses. The Collector of the District is the licensing authority in respect of F.L.4 (A), F.L.5 and FL.7 and F.M.1 to FM.

4. Commissioner is the licensing authority for FL.1, FL.2, FL.3, FL.4, FL.6, FL.8, FL.9, FL.10 and FL.11.



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4.In the case on hand, the Commissioner of Prohibition and Excise, Chepauk, Chennai is the competent authority. The District Collector, Sivagangai can only be the recommending authority and nothing more. While so, I fail to understand as to how the District Collector could have passed an order rejecting the writ petitioner's application for grant of FL.2 license.

5.It is seen that the Hon'ble Division Bench in WP(MD)No.22649 of 2024 vide order dated 28.04.2025 had directed the District Collector, Sivagangai to pass an order after giving opportunity of hearing to the interested parties and that is how, the impugned order came to be passed. When as per the statutory scheme, the District Collector is not the licensing authority, he could not have been invested with the power to reject the application for grant of license. The executive authority derives his jurisdiction only from the statute. It should be expressly conferred. He does not have any inherent power. What has not been conferred by law on an executive authority cannot be conferred by the court. If consent cannot confer jurisdiction, an order of court also cannot do that. The order of the Hon'ble Division Bench cannot sanctify or legitimise an order which is otherwise and innately void.



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6.In fact, the Commissioner appears to have understood the legal position. That is why, vide letter dated 05.08.2025, he had called upon the District Collector to send a detailed report along with the specific recommendations in the light of the Division Bench judgement. The Commissioner has specifically referred to the communication of the District Collector, Sivangangai (predecessor-in-Office) dated 23.08.2024 recommending issuance of FL2 License in favour of the petitioner. In these circumstances, it was open to the District Collector, Sivagangai to send an adverse report also. When the predecessor-in-office vide Communication dated 23.08.2024 had recommended issuance of FL2 License in favour of the petitioner, the Successor-in-Office could not have formed a contra opinion without advertng to the earlier recommendation by his predecessor.

7.The impugned order is patently bereft of jurisdiction. It is quashed. It is for the first respondent to take a call in the matter. Taking note of the communication dated 23.08.2024 and the order earlier passed by the Hon'ble Division Bench, I direct the first respondent to hear the impleaded respondent. His objections shall be taken into account before passing any final order.



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8.The learned counsel for the impleaded respondent states that within a week from the date of receipt of a copy of this order, he will submit a detailed written objections before the first respondent. If within the said time limit, objections are not received, the licensing authority shall proceed to pass final order without waiting for the response of the impleaded respondent.

9.The learned Special Government Pleader wanted me to construe the impugned order as an adverse recommendation and not as an order. I cannot accept the said request. This is because, the impugned order concludes with a word “உத்தரவிடப்படுகிறது” (ordered). In other words, it means that it is an order passed by the District Collector. When the District Collector has no power or authority to pass an order, but only to send his recommendation to the first respondent, it cannot be construed otherwise. The Hon'ble Supreme Court in the decision reported in **AIR 1952 SC 16 (Commissioner of Police, Bombay vs Gordhandas Bhanji)** had held that public orders made by public authorities are meant to have public effect and are intended to affect the acting and conduct of those to whom they are addressed and **must be construed objectively with reference to the language used in the order itself**. I cannot disregard the employment of the word “உத்தரவிடப்படுகிறது” (ordered) found in the impugned order. I, therefore, refuse to construe it as a mere recommendation.



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10. The Writ Petition is allowed accordingly. No costs.

**06.11.2025**

Index : Yes / No  
Internet : Yes/ No  
rmi/SKM

To

- 1.The Commissioner of Prohibition and Excise, Chepauk, Chennai-600 005.
- 2.The District Collector, Sivagangai District, Sivagangai.
- 3.The Superintendent of Police, Sivagangai District.
- 4.The Deputy Superintendent of Police, Maamadurai.
- 5.The Assistant Commissioner (Excise), Sivagangai.
- 6.The Tahsildar, Thiruppuvanam Taluk, Sivagangai District.
- 7.The Inspector of Police, Thiruppuvanam Police Station, Sivagangai District.



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**G.R.SWAMINATHAN, J.**

rmi/SKM

**W.P(MD)No.31964 of 2025**

**06.11.2025**