



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

**THE HONOURABLE DR JUSTICE G.JAYACHANDRAN
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED**

**C.M.P.No.5527 of 2026
&
W.A.SRNo.29996 OF 2026**

C.Shanmugam,
S/o.Chinnamuthu,
11/05A18 MGR Nagar,
Koodalur, Nilgiris-643 212. ... Appellant
Vs.

1. M/s.Raising Sun Hotel Private Limited
Rep.by its Manager, Praveen Raj,
Having its Registered Office at
No. 204, Rajani Gandha Garden Apartment,
No.21 Vittal Malya Road, Bangalore,
Karnataka, India- 560 001.
And having its establishment at:
Singara Road, Masinagudi, Gudalur Taluk,
The Nilgiris District-643 223.

2.The Commissioner of Prohibition and Excise,
II Floor, Ezhilagam Main Road,
Chepauk, Chennai-600 005.

3.The District Collector,
Collectorate,
Udhagamandalam,
Nilgiris District-643 001.

4.The Assistant Commissioner (Excise),
Nilgiris District,
Udhagamandalam-643 001.



5.The Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
1, Regent Complex, Club Road,
Nilgiris District-643 001.

... Respondents

Prayer: Civil Miscellaneous Petition has been filed under Section 151 of C.P.C., to grant Leave to the Petitioner to file the Writ Appeal against the order dated 20.01.2026 passed in W.P.No.20882 of 2025.

For Appellant: Mr.N.Umapathi

For Respondents: Mr.V.Ravi,
Special Government Pleader, for R2 to R5

ORDER

The petitioner herein claiming to be a residence of Nilgiris District. Being aggrieved by the order passed by the Learned Single Judge in W.P.No.20882 of 2025, is before this Court.

2. To grant leave to prefer Intra Court Appeal. The writ petition, which was disposed by the Learned Single Judge on 20.01.2026 is at the instance of M/s.Raising Sun Hotel Private Limited, represented by its Manager, Praveen Raj. The prayer in the writ petition is as below:

“Calling for the records of the order passed by the 1st respondent in his office proceedings K.Dis. No.P and E2(2)/5583/2024 dated 08.04.2025 and quash the same and thereby permit them to resume business operations.”



3. Thus, it is obvious that the writ petitioner, being aggrieved by the cancellation of FL-3 license already granted had approached the Court by way of certiorarified Mandamus to quash the cancellation order and for renewal. The impugned order appears to have been passed pursuant to the direction of this Court, wherein restriction been imposed to establish Bars and TASMAL Shops along the elephant corridor.

4. Pending disposal of the writ petition, the present applicant had filed application to get himself impleaded.

5. The Learned Single Judge, after considering the prayer in the Writ Petition and the impugned order had passed with the following directions:

“16.For the foregoing reasons, the impugned order dated 08.04.2025 passed by the first respondent is hereby quashed and this writ petition is disposed of by directing the first respondent to pass final orders on the petitioner’s application dated 29.02.2024 seeking for renewal of the petitioner’s FL3 licence, on merits and in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order, after affording a personal hearing to the petitioner, uninfluenced by any of the observations made by the first respondent in the impugned order dated 08.04.2025.



17.It is also open to the residents of the area, where the bar is located, to raise all their objections in accordance with law by giving representation to the first respondent and the said representation shall also be given due consideration, on merits and in accordance with law by the first respondent, while taking a final decision in the petitioner's application seeking for renewal of FL3 licence. Consequently, connected petitions are closed. No costs."

6. The Learned Counsel for the appellant submitted that being a residential area and prohibited for vending liquor pursuant to the order of the High Court, there cannot be any consideration of establishing Bar under FL-3 license. While so, the Learned Single Judge without allowing the application to implead, had disposed the application and passed impugned order. Hence, pray leave to challenge the impugned order.

7. This Court, on perusing the operative portion of the order passed by the Learned Single Judge find that the order does not direct the authorities to renew FL-3 license to the writ petitioner, namely M/s.Raising Sun Hotel Private Limited. The Learned Judge has only directed the authorities to consider the application for renewal and while considering the application for renewal, also permitted the residence to raise objections, if any by way of representation and if any such representation is received by the 1st respondent, same has to be



considered on merits in accordance with law.

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8. Since the order is very clear without any ambiguity protecting the right of the residence to make objection by way of representation, the petitioner herein need not seek for any interference of the said order by way of the present application seeking leave to prefer third party appeal. The right of the petitioner is well protected by the order of the Learned Single Judge and present attempt is pre-matured without placing objection before the authorities as permitted by the Learned Judge. Therefore, there is no purpose in entertaining the application to grant leave for preferring the Intra Court Appeal.

9. Hence, the Civil Miscellaneous Petition is dismissed with the above observation. Consequentially, W.A.SR.No.29996 of 2026 stands rejected. No costs.

(G.JAYACHANDRAN, J.) (SHAMIM AHMED, J.)
04-03-2026

Internet :Yes.
Neutral Citation :Yes/No.



To,

1.The Commissioner of Prohibition and Excise,
II Floor, Ezhilagam Main Road,
Chepauk,
Chennai-600 005.

2.The District Collector,
Collectorate,
Udhagamandalam,
Nilgiris District-643 001.

3.The Assistant Commissioner (Excise),
Nilgiris District,
Udhagamandalam-643 001.

4.The Regional Manager,
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C.M.P.No.5527 of 2



Dr. G.JAYACHANDRAN, J.
AND
SHAMIM AHMED, J.
bsm

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