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WP No. 20882 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

**WP No. 20882 of 2025 AND WMP Nos.23603,
23604, 53806 & 54600 OF 2025**

M/s.Raising Sun Hotels Private Limited,
Rep By Its Manager Praveen Raj

Petitioner(s)

Vs

1. The Commissioner Of Prohibition
And Excise
2nd Floor, Ezhilagam Building,
Chepauk, Chennai-05

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

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

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

Respondent(s)

PRAYER

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



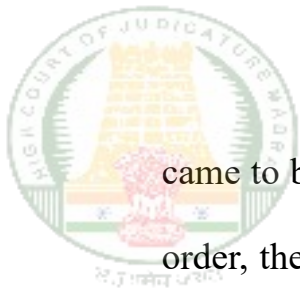
For Petitioner(s): Mr.S.R.Raghunathan,
For Mr.Aditya Sarangarajan

For Respondent(s): Mr.P.Kumaresan, AAG,
Assisted by
Mr.P.Balathandayutham,
Spl.G.P. For R1 To R3
Ms.V.S.Saranya,
Standing Counsel For R4

ORDER

This writ petition has been filed, challenging the impugned order dated 08.04.2025 passed by the first respondent rejecting the petitioner's request for re-opening the bar in the petitioner's premises, which was sealed earlier by the second respondent on account of the alleged violation of the liquor licence conditions committed by the petitioner.

2.Earlier, the petitioner had filed a writ petition before this Court in W.P. No.5215 of 2025 to direct the first respondent to consider the petitioner's representation seeking for re-opening the bar in the petitioner's premises within a time frame to be fixed by this court. In the said writ petition, by an order dated 17.02.2025, this Court had directed the first respondent to dispose of the petitioner's representation dated 12.09.2024 seeking for re-opening of the bar within a period of eight weeks from the date of receipt of the copy of the said order, after giving an opportunity of personal hearing to the petitioner and other parties concerned and thereafter, communicate the said decision taken to the petitioner. Pursuant to the said direction, the impugned order dated 08.04.2025



came to be passed by the first respondent. However, as seen from the impugned order, the first respondent, instead of considering the petitioner's representation dated 12.09.2024, which is given for a limited purpose i.e. for re-opening of the bar in the petitioner's premises, has passed the impugned order cancelling the petitioner's FL3 licence and has also directed the Assistant Commissioner (Excise), Nilgiris to seize the stocks of liquor available in the premises of the petitioner and also destroy the expired bottles of liquor by following the existing rules. The following are the un-disputed facts:

a)The petitioner was possessing FL3 licence for vending liquor and for consumption within the hotel premises of the petitioner from 2001 onwards;

b)The FL3 licence of the petitioner, which was renewed periodically earlier, was expired on 31.03.2025;

c)The petitioner submitted an application on 29.02.2024 with the respondents by paying necessary fee seeking renewal of the petitioner's FL3 licence for a further period from 01.04.2024 to 31.03.2025. The said application was filed one month prior to the date of expiry of the existing FL3 licence, which is as per the Liquor Vending Rules;

d)On 12.03.2024, the bar of the petitioner in their premises was sealed by the third respondent on account of the alleged violation of the licence conditions said to have been committed by the petitioner.



3. The allegation of the third respondent is that a full bottle of alcohol was found outside the petitioner's establishment along with a few broken glass bottles, which violates licence conditions, which does not permit the petitioner to allow liquor bottles to be taken outside the bar premises. On 12.09.2024, the petitioner submitted a representation to the respondents seeking for re-opening of the bar which remained shut for six months without any notice. Since the representation dated 12.09.2024 was not considered by the respondents, the petitioner had filed W.P. No.5215 of 2025 seeking for a direction to the respondents to consider the petitioner's representation dated 12.09.2024 seeking for re-opening of the bar in the petitioner's premises within a time frame to be fixed by this Court. By an order dated 17.02.2025, this Court in W.P. No.5215 of 2025, filed by the petitioner, directed the first respondent to pass orders on the representation of the petitioner dated 12.09.2024 seeking for re-opening of the bar in the petitioner's premises within a period of 8 weeks from the date of receipt of the copy of the said order, after giving an opportunity of personal hearing to the petitioner and other parties concerned and thereafter, communicate the decision taken to the petitioner.

4. In W.P. No.5215 of 2025, this Court was not dealing with the issue of renewal of FL3 licence in favour of the petitioner. It was only dealing with the representation made by the petitioner seeking for re-opening of the closed bar in the petitioner's premises. As seen from the impugned order, by total non-



application of mind to the directions issued by this Court on 17.02.2025, which merely directed the respondents to consider the petitioner's request for re-opening of the bar in the petitioner's premises, the first respondent, under the impugned order has dealt with the renewal of liquor licence aspect as well. The renewal of liquor licence is granted only in accordance with the Tamil Nadu Liquor (Licence and Permit) Rules, 1981. Necessarily, the respondents will have to follow the said rules while considering an application seeking for renewal of liquor licence. However, despite there being no directions given by this Court in W.P. No.5215 of 2025 with regard to the renewal of liquor licence and the said direction given by this Court was merely to direct the first respondent to consider the petitioner's representation dated 12.09.2024 seeking for re-opening of the bar premises, the first respondent in the impugned order has gone into the aspect of renewal of licence sought for by the petitioner under the Tamil Nadu Liquor (Licence and Permit) Rules, 1981 as well. While considering an application seeking for renewal of liquor FL3 licence as stated supra, necessarily, the first respondent ought to follow the due procedure established under law as per the Tamil Nadu Liquor (Licence and Permit) Rules, 1981.

5.Learned counsel for the petitioner relies upon the relevant rules, more particularly, Rule 22 of the Tamil Nadu Liquor (Licence and Permit) Rules, 1981, which according to him makes it mandatory for the respondents to issue show cause notice to the petitioner to enable the petitioner to raise all their



objections available to them under law and only thereafter decide as to whether the request of the petitioner seeking for renewal of liquor licence can be entertained or not.

6.Learned Special Government Pleader appearing for the respondents 1 to 3 would submit that show cause notices were sent on 21.10.2024 and 09.11.2024 to the petitioner, which were not responded to by the petitioner.

7.As seen from the order dated 17.02.2025 passed by this Court in W.P. No.5215 of 2025, a direction was given to the first respondent to dispose of the petitioner's representation dated 12.09.2024 within a period of 8 weeks from the date of receipt of the copy of the said order. Therefore, the show cause notices dated 21.10.2024 and 09.11.2024 are not in accordance with the directions issued by this Court on 17.02.2025 in W.P. No.5215 of 2025 since this Court had merely directed the first respondent to consider the petitioner's representation dated 12.09.2024 seeking for re-opening of the bar, after giving an opportunity of personal hearing to the petitioner and other parties.

8.It is also to be noted that though the petitioner did not send any reply to the aforesaid show cause notices alleged to have been sent by the respondents, had participated in the enquiry proceedings through Gopal B.Shinde, Managing Director and Praveen Raj, Manager of the petitioner. In the Show Cause notices



as well said to have been sent by the respondents, it has not been stated which rule of Liquor Vending Rules, the petitioner had violated.

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9.The petitioner has also contended before this Court the following:

a)The past conduct of the petitioner in running the bar and any violation said to have been committed by them cannot be the reason for non-renewal of the petitioner's FL3 licence;

b)Before sealing the bar premises, as per Rule 22 of the Tamil Nadu Liquor (Licence and Permit) Rules, 1981, show Cause notice ought to have been given to the petitioner to enable the petitioner to submit their explanation as per Rule 22 (1) of the Tamil Nadu Liquor (Licence and Permit) Rules, 1981;

c)The Licence having got expired and the renewal of licence applications having not been considered, the impugned order cancelling the petitioner's licence is arbitrary and illegal.

10.Apart from the above observations recorded by this Court, it is also to be noted that under the impugned order passed by the first respondent, the first respondent has cancelled the petitioner's licence. But they have not re-funded the licence renewal fee paid by the petitioner and no reasons have been given under the impugned order for not re-funding the same. Apart from the State, represented by the learned Special Government Pleader, certain private intervenors through their respective counsels are opposing the renewal of FL3



licence to the petitioner and for re-opening of the bar in the premises of the petitioner. They reiterate the contents of the impugned order by stating that the petitioner has violated the terms and conditions of FL3 licence and they also claim that they are interested parties since they are residents in the area where the bar is located.

11. When a query was raised by this Court to the learned Special Government Pleader appearing for the State as to why the renewal fee was not re-funded to the petitioner, he submits that the petitioner will have to submit an application seeking for re-fund and once the same is submitted, the request of the petitioner will be favourably considered by the official respondents.

12. When it is an admitted position that as on the date of passing of the impugned order, there was no licence available to the petitioner to run the bar in its premises as the same was not renewed, the question of cancelling the petitioner's licence through the impugned order passed by the first respondent is arbitrary and illegal and the same has been passed by total non-application of mind to the fact that as on the date of the impugned order, there was no valid licence subsisting in favour of the petitioner.



13. When the respondents have also not stated the exact rule which the petitioner had violated in the impugned order as well as in the previous communications sent by the respondents to the petitioner, this Court is of the considered view that the impugned order passed by the first respondent pursuant to the directions given by this Court on 17.02.2025 in W.P. No.5215 of 2025 is an order passed by total non-application of mind to the directions issued by this Court in the said writ petition. In the said writ petition, this Court had merely directed the first respondent to pass orders on the representation of the petitioner dated 12.09.2024, which was only a representation/request to the respondents to permit re-opening of the bar in the petitioner's premises and nothing else, within a period of 8 weeks from the date of receipt of the copy of the said order.

14. Instead of complying with the directions of this Court passed in W.P. No.5215 of 2025 in letter and spirit, for the reasons best known to the first respondent, the first respondent in the impugned order has cancelled the petitioner's non-existent licence when it is an admitted fact that the petitioner's licence was never renewed after the petitioner's bar premises was sealed by the respondents on 12.03.2024.

15. Since a non-existent licence has been cancelled under the impugned order without following the due procedure established under law and by total non-application of mind to the Tamil Nadu Liquor (Licence and Permit) Rules,



1981, necessarily, the impugned order has to be quashed and this writ petition has to be disposed of by directing the respondents to consider 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 time frame to be fixed by this Court. Any observations made in the impugned order passed by the first respondent will not have any impact on the application submitted by the petitioner seeking for renewal of FL3 licence, which has been directed to be considered by this Court in this order.

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.

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To

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And Excise
2nd Floor, Ezhilagam Building,
Chepauk, Chennai-05

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

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The Nilgiris District,
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