



WEB COPY

W.P. No.27809 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.27809 of 2018

and

W.M.P. No.32318 of 2018

U.Santhanam Pillai
Prop. the Rennaaissance Grand Hotel,
No.422, SIPCOT Phase II,
Bangalore Main Road,
Hosur, Krishnagiri District.

..Petitioner(s)

Vs

1. The Commissioner
Prohibition and Excise,
Ezhilagam,
Chepauk,
Chennai – 05.
2. The Assistant Commissioner (Excise),
Krishnagiri.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents to forthwith accept the application with necessary fee thereto for renewal of FL.3 License for the Bar attached to Hotel viz., The Rennaaissance Grand Hotel, situated at No. 422, SIPCOT Phase II, Bangalore Main Road, Hosur, Krishnagiri District.

For Petitioner(s): Ms.N.R.Jasmine Padma

For Respondent(s): Mr.V.Jeevagiridharan



ORDER

The present writ petition is filed praying for a writ of Mandamus directing the respondents to accept the petitioner's application for renewal of FL-3 License with regard to the Bar attached to petitioner's Hotel.

2. It is submitted by the learned counsel for petitioner that petitioner was granted three-star classification by the Tourism and Development Department, Government of India, vide proceedings dated 19.01.2007 and that the same has been renewed periodically by the Regional Director (South) at Chennai. Petitioner is stated to have applied for FL.3 license vide application dated 27.02.2007 and the same was granted to the petitioner to run and maintain the bar in accordance with the Tamil Nadu Liquor (License and Permit) Rules, 1981. Petitioner had been periodically renewing the same from the year 2007 upto 2018. The last of the application for renewal was made by the petitioner apparently on 26.02.2017, on the basis of the same, sought renewal till 31.03.2018. While so, Supreme Court imposed ban on sale of liquor along and in proximity to the National and State Highways vide its order dated 15.12.2016 in Civil Appeal No.12164-12166 of 2016. Subsequent to the order of Supreme Court, Prohibition and Excise Department issued instructions vide letter dated 31.03.2017 in Letter No.P&E 2(4)/12740/2016 and consequently, petitioner's bar was directed to be closed.



3. It is further submitted by the learned counsel for the petitioner that the Supreme Court vide order dated 11.07.2017 had clarified the nature of the prohibition. The relevant portions of the same is extracted hereunder:

“The purpose of the directions contained in the order dated 15 December, 2016 is to deal with the sale of liquor along and in proximity of highways understood, which provide connectivity between cities, towns and villages. The order does not prohibit licensed establishments within municipal areas. This clarification shall govern other municipal areas as well. We have considered it appropriate to issue this clarification to set at rest any ambiguity and to obviate repeated recourse to IAs, before the Court”.

4. Pursuant to the above orders of clarification issued by the Supreme Court, G.O.Ms.No.32, Home, Prohibition and Excise (VI) Department dated 21.05.2018 came to be issued by the Prohibition and Excise Department clarifying the position.

5. Learned counsel for petitioner submitted that renewal applications is to be submitted online. Petitioner was denied access to the portal to submit its online application. It is further submitted by the learned counsel for petitioner that they may be granted access to the portal/site and permitted to submit an online application for license to run and maintain a bar, which admittedly had expired on 31.03.2018.



6. To the contrary, learned counsel appearing on behalf of respondents that nothing may survive in this writ petition for the following reasons:

a) He would submit that in terms of Rule 21 of the Tamil Nadu Liquor (License and Permit) Rules, 1981, renewal of license ought to be made in the prescribed format within a period of 1 month prior to the expiry of license. Petitioner ought to have taken out an application for renewal on or before 28.01.2018.

b) He would also place reliance on a communication dated 26.02.2018 wherein the petitioner was informed by the Assistant Commissioner, Krishnagiri, indicating the petitioner may submit an application on or before 28.02.2018 without fine and on or before 31.03.2018 with fine.

7. Despite the above fact, petitioner had on misconception not applied within the above period, learned counsel for respondents would thus submit that petitioner cannot take advantage of their own misconception of the direction of the Supreme Court and maintain the request for renewal application filed 8 years after the expiry of license.

8. This Court finds merit in the submission of the learned Additional Government Pleader and hence is not inclined to accept the prayer of the petitioner, however, it is open to the petitioner to take out a fresh application, if so advised, in accordance with law.



9. The writ petition stands disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

03-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MKA

To:

1. The Commissioner
Prohibition and Excise,
Ezhilagam, Chepauk, Chennai – 05.
2. The Assistant Commissioner (Excise),
Krishnagiri.



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MOHAMMED SHAFFIQ J.

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