

WP.(MD)Nos.31562 & 31655 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 11.03.2026

Pronounced On : .03.2026

CORAM

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN**

WP.(MD)Nos.31562 & 31655 of 2025

and

WMP.(MD)Nos.24735,24736, 24737, 24825, 24827 & 24829 of 2025

WP.(MD)No.31562 of 2025

T.Sathiskumar

... Petitioner

Vs.

1.The State Government of Tamilnadu,
Rep.by its Secretary,
Department of Home,
Prohibition and Excise,
Fort St.George,
Chennai-6000 009.

2.The Commissioner of Prohibition and Excise
Exhilagam Chepauk Chennai-600 005.

3.The Managing Director (TASMAC)
Tamil Nadu State Marketing Corporation
CMDA Building
Tower-II
Gandhi Irwin Bridge

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Egmore Chennai - 600 008.

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4.The District Collector
Madurai District Madurai.

5.The Superintendent of Police
Superintendent of Police Office
MoontruMavadi
K.Pudur Madurai-625 007

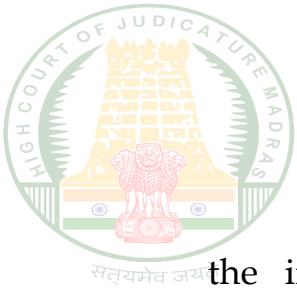
6.The Assistant Commissioner
Prohibition and Excise Department
Collectorate
Madurai
Madurai District.

7.The Tamil Nadu State Marketing Corporation Limited
Rep. by its District Manager
TASMAC Madurai North
Madurai - Rameshwaram Highway
Kalugar Kadai Vilakku
Manalur
Thiruppuvanam Taluk
Sivagangai District.

8.Paulpandian
Rep. by its Secretary
PONS Recreation Club (R.S.No.202/2B1)
D.No. 122/6
Palamedu Main Road
Thandalai Village
Vadipatti Taluk
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to



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the impugned license granted by the second respondent in R.Dis.No.P&E.2(1)/1194/2025 dated 07.10.2025 and quash the same as illegal.

For Petitioner : Mr.M.Mohaboob Athif,
for Mr.T.Palanichamy.

For R1, R2, R4
& R6 : Mr.P.T.Thiraviam.
Government Advocate

For R3 & R7 : Mr.H.Arumugam

For R5 : Mr.K.Sanjai Ghandhi,
Government Advocate

For R8 : Mr.T.Lajapathi Roy,
Senior Counsel,
for M/S.Roy and Roy Associates.

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P.Sonai Muthu

... Petitioner

Vs.

1.The Commissioner
Prohibition and Excise Department
Chepauk Chennai 600 005
2.The District Collector
The Collectorate
Madurai
Madurai District.



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3.The Superintendent of Police
Madurai District
Alagarkovil Madurai.

4.The Managing Director
TASMAC
No.8 CMDA Tower 4th Floor
Gandhi Irin Road
Egmore Chennai 600 008

5.The Commissioner
Allanganallur Panchayat Union
Allanganallur Madurai District.

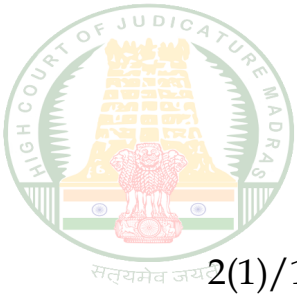
6.The Special Officer
Thandalai Village Panchayat
Allanganallur Madurai District.

7.M/s.Pons Recreation Club-Thandalai
Rep by its Secretary
P.Paulpandian
S/o.S.Ponnaiyah
No.12/19 Roja Street
Bethaniyapuram
Madurai.

8.Kanagaraj
TASMAC Supervisor
No.12/19
Roja Street
Bethaniyapuram
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to proceedings of the first respondent made in R.Dis.No.P and E.



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2(1)/1194/2025 dated 07.10.2025 and quash the same and pass such further or other orders as this Court.

For Petitioner : Mr.R.Murali
For R1, R2,
& R6 : Mr.P.T.Thiraviam.
Government Advocate
For R3 : Mr.K.Sanjai Ghandhi,
Government Advocate
For R4 : Mr.H.Arumugam
For R5 : Mr.J.Ashok,
Additional Government Pleader.
For R7 & R8 : Mr.T.Lajapathi Roy,
Senior Counsel,
for M/S.Roy and Roy Associates.

COMMON ORDER

(Order of this Court was delivered by **M.JOTHIRAMAN J.**)

Under assail is the order passed by the Commissioner of Prohibition and Excise granting license in R.Dis.No.P and E. 2(1)/1194/2025 dated 07.10.2025. Two writ petitions have been filed in the name of Public Interest Litigation.

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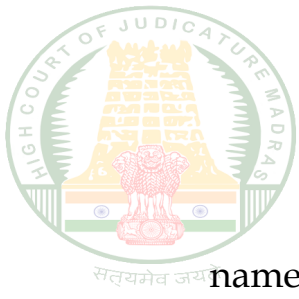
2.It is the case of the writ petitioner in WP.(MD)No.31562 of 2025 that his locality falls within Alanganallur Union, Vadipatti Takuk, Madurai District. The said union consists 37 village panchayat and 2 town panchayat and is having a population of approximately 1,30,000/- people. From the year 2020, the village people, especially women had conducted several agitations and protest over the establishment of TASMAL and other private bars in the said union and had successfully prevented the opening of any above shops in the said union. Alanganallur union is revered worldwide during the month of January towards Jallikattu and people from several parts of the country are visiting the said union. Alanganallur and Palamedu village does not have any liquor shop till date. It is came to the knowledge of the petitioner that the Commissioner of Prohibition and Excise Department, Chennai had granted FL.2 license to the eighth respondent/ Paulpandian to set up a private recreation club in violation of the rules and defeating the cultural values of the union.



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3.It is the case of the writ petitioner in WP.(MD)No.31655 of 2025 that Alanganallur panchayat union consists 36 villages. In none of the village, there is no TASMAL outlet is functioning for the past five years. More particularly, Thandalai village, Pudupatti village and Mettupatti village, the village panchayats already passed resolution prohibiting the opening of TASMAL outlet by the Government. Alanganallur is the Town panchayat and in which also there is no TASMAL outlet is functioning. The Government is granting FL2 license for handling for liquors by the clubs in the course of their recreational activities. The 7th respondent club is registered under the Societies Act. They have obtained FL2 license from the Commissioner, Prohibition and Excise Department, on 07.10.2025. There are restrictions in granting FL2 license for newly formed societies. In order to overcome such situation, the 8th respondent and the Secretary of the 7th respondent club adopted a novel method and thereby, purchased the society, which is earlier functioned in the name of NDR Vaigai Sports Recreation Helping Club and changed the



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name as Pon's Recreation Club, Thandalai. In fact, respondents 7 & 8 are residents of Bethaniyapuram, Madurai and they are not resident of Thandalai village. On 29.01.2025 by changing the name, they obtained a certificate from the District Registrar, Madurai North. The third respondent Police Department without proper verification had issued no objection certificate. The said certificate itself discloses non application of mind, since it discuss about Leo Recreation Club. The 7th respondent club itself is only a name sake club without actually functioning and without any proper members. By fabrication of documents, the society was registered and license was obtained. The impugned license issued by the Commissioner, Prohibition and Excise Department, Chennai dated 07.10.2025 is illegal, unlawful and against the principal of natural justice.

4.Since both the writ petitions have been filed as against the issuance of FL.2 license dated 07.10.2025, both writ petitions are disposed of by this common order.

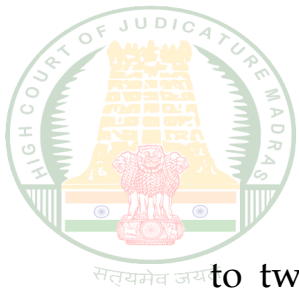
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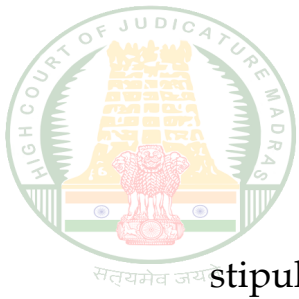
5.The learned counsel appearing for the petitioner in WP. (MD)No.31562 of 2025 would submit that the eighth respondent club had earlier functioned as NDR Vaigai Sports Recreation Helping Club and had changed its name as Pons Recreation club, Thandalai only in the year 2025, with a malafide intention of selling liquor for a private gain and against the rules. Pons recreation club was presently functioning only from the present year and as such, it is not possible for it to comply with the conditions enumerated in Rule 19(2) of the Tamil Nadu Liquor (License and Permit) Rules, 1981 [herein after referred as 'the Rules']. As per the said Rules, it should be functioning for more than three years whereas, the 8th respondent had earlier been functioning somewhere else and wanted to shift now at the present place, would not satisfy the aforesaid condition. The Commissioner, Prohibition and Excise Department had granted the impugned license, without considering the Rule 19(1), which stipulates that a general enquiry should be conducted with regard



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to two aspects, ie., the local needs and public interest shall not suffer. Though resolutions have been passed by the village panchayat on two occasions, ie., on 05.11.2024 and 11.10.2025 objecting the opening of TASMAL and private liquor shop within the premises of village, without considering the same, the Commissioner, Prohibition and Excise Department issued the impugned license. Further, he would submit that the members of the eighth respondent club are not belonging to the petitioner's village and they have collectively decided to have a liquor vending zone in the petitioner's village in an arbitrary and uncharitable manner. The eighth respondent has shifted their office elsewhere to the petitioner's village only with an intention to sell liquor, which is nothing but, proprietary and against the Rule 17 of the Rules and warrants interference by this Court. To strengthen his contention, the learned counsel has relied upon the judgment of the Division Bench of this Court reported in 2014 (4) CTC 721, M.A.Sudhagar Vs. The Government of Tamil Nadu rep.by its Principal Secretary and others to show that the condition



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stipulated in Rule 19(A) is concerned, there is nothing on record to show that the Licensing Authority satisfied itself about the same and the license issued by the authorities is cancelled. He has also relied on yet another judgment of this Court in WP.(MD)No.8038 of 2019 etc., batch dated 18.08.2025 to show that the activities of the recreation club, genuinely of the objections approved in the by-laws under the Tamil Nadu Societies Registration Act, 1975, all are to be monitored closely by the Police authorities, authorities of the Registration Department and Prohibition and Excise Department, so as to ensure the right to life of the residents in the locality and in order to maintain public health by the State.

6.The learned counsel appearing for the writ petitioner in WP.(MD)No.31655 of 2025 would submit that there is no alcohol selling unit for the past five years, in and around 18 villages and the village panchayat also passed uniformed resolution by objecting the opening of the TASMALC shop and other private liquor shops. By granting the impugned license, the objection of



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the entire villages is indirectly thrown away by the authorities.

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The respondent club itself is only a name sake club, without actual functioning and without proper members. The respondent club is registered under the Societies Act and there are restrictions in granting FL2 license for newly formed societies. In order to overcome such situation, the respondent club adopted a novel method and thereby, purchased a society which is earlier functioned in the name of NDR Vaigai Sports and Recreation Helping Club and changed the name as Pons Recreation club, Thandalai. More over, there is no such recreation club is functioning at Thandalai village as claimed by the respondent club. The 8th respondent in WP.(MD)No.31655 of 2025 is an employee of the TASMACH and he is indirectly doing FL2 business in various places in Madurai. The Police Department had issued no objection certificate dated 12.05.2025 in favour of the respondent club, without proper verification and in a hurried manner. The certificate issued by the Police Department itself discloses non-application of mind, since is discuss about Leo



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recreation club. For even opening TASMAL outlet, village panchayat views are obtained, but, in the case on hand, without considering the objection of village panchayat, the impugned license was granted. Therefore, the impugned license issued by the Commissioner, Prohibition and Excise Department is illegal, unlawful and against the principal of natural justice.

7.The learned Government Advocate appearing for the District Collector, Madurai and the Commissioner, Prohibition and Excise Department would submit that initially the 8th respondent after obtaining no objection certificate from the Police Department, had approached the Assistant Commissioner, Excise Madurai. In turn, the office of Assistant Commissioner, Excise had forwarded a proposal dated 20.06.2025 recommending FL2 license as per established procedures and based on the applicable rules. Thereafter, the Commissioner of Prohibition and Excise issued FL2 license to the 8th respondent club. He would further submits that the proposal of the 8th respondent club has been



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registered in the year 2009 in the name of NDR Vaigai Sports and
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Recreation Helping club and they have duly changed their name as Pons recreation club, Thandalai. The said facts have been wrongly represented as if the club is only one year old and therefore, there is no violation as per Rule 19B(2) of the Rules. The proposal of the 8th respondent has been forwarded for license only based on the proper verification of the norms. The report of the office of the District Superintendent of Police also obtained. In the report, it has been stated that there are no disturbances to the public or objections from the common public. Initially there was no objections were also received when the proposal was under the process. Only after issuance of license, there was an agitation. The authorities have only performed their bounden duty while processing the application and there is no violation as alleged by the writ petitioners. Until the issuance of FL2 license, there has been no objection or finding from competent authority that there is possibility of law and order related issues for functioning of recreation club therein.



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8.The learned Senior Counsel appearing for the respondent club would submit that the respondent club is registered under Tamil Nadu Societies Act, 1975 and it has been registered in the year 2009 in the name of NDR Vaigai Sports and Recreation Helping Club and thereafter, they had changed their name as Pons recreation club, Thandalai, by way of proceedings of the concerned authority, dated 29.01.2025. The writ petitioners have filed these writ petitions as if the club is only for one year old and therefore, there is a violation as per Rule 19(2)of the Rule. The District Superintendent of Police has issued no objections certificate after due enquiry and found that there are no disturbances to the public or any objection from the common public. There are FL2 licensed recreation club situated in Sikkandar Chavadi and Pothumbu, which are only 3 kms from the proposed recreation club, Thandalai. Further more, until issuance of FL2 license, there has been no objection or finding from the Law Enforcement Agency. Therefore, the authorities have only



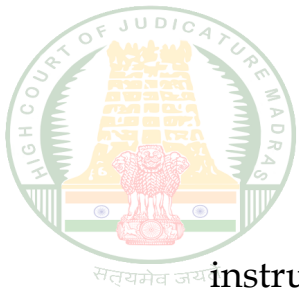
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performed their bounden duty and properly issued the license and there is no violation as alleged by the writ petitioners. The learned Senior Counsel would further submit that the allegations levelled by the writ petitioners in their affidavit are question of fact and the same cannot be adjudicated before the writ jurisdiction. To strengthen his contention, the learned Senior Counsel has relied upon the judgment of the Division Bench of this Court in R.Muralidaran & 6 others Vs. The District Registrar, South Madras and another reported in 2008 2 LW 75 to show that writ would not lie against any Ministerial Act performed by the Registrar of the Societies under the provisions of Tamil Nadu Societies Act, the District Registrar can only call for further information and he is not entitled to adjudicate any dispute. The writ petitioners, if at all aggrieved by the issuance of license, they can very well preferred an appeal before the competent authority.

9.The learned Additional Government Pleader appearing for the fifth respondent in WP.(MD)No.31655 of 2025, on

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instructions from the Block Development Officer (East Union), Alanganallur, would submit that in Alanganallur panchayat union, there is no alcohol vending zone. The village panchayat has already passed a resolution not to open the TASMAL outlet within their limit and people are objecting to open alcohol selling unit.

10. We have considered the submissions made on either side and perused the records carefully.

11. Present writ petitions have been filed aggrieved over the issuance of FL2 license dated 07.10.2025 permitting Pons recreation club, Thandalai to set up a bar and the said license has been assailed on various grounds. The Pons recreation club is a Society registered under the Tamil Nadu Registration of Societies Act, 1975 and has been registered in the year 2009, in the name of NDR Vaigai Sports Recreation Helping Club with Registration No. 55/2009. Thereafter, they had changed their name as Pons recreation club, Thandalai, by way of proceedings of the District

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Registrar, dated 29.01.2025. According to the writ petitioners, the club is the registered under the Tamil Nadu Societies Registration Act, 1975 and as per the Rule 19B(2) of the Rule, the license would have been issued only after three years for Society exists. In the present case, club is only one year old. Secondly, The Superintendent of Police, Madurai in his proceedings dated 22.05.2025 has granted permission suppressing the setting up of the club. Mere perusal of the aforesaid proceedings would go to show that two different clubs's names have been mentioned and it is not clear as to whom they have issued no objection certificate. Thirdly, Alanganallur panchayat union, in which the club is situated, comprised 36 villages and in Thandalai village, Pudupatti village and Mettupatti village, the village panchayats have already passed resolution prohibiting the opening of TASMAL outlet. Yet another contention is that as per Rule 19(A), on receipt of application, the licensing authority should verify the particulars furnished in the application. In the case of application of all kinds, he shall satisfy himself in general after due enquiry



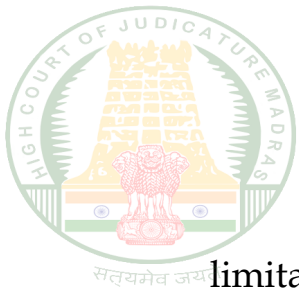
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that the local needs justify the grant of the licence and that public interest shall not suffer by the grant of the licence applied for and that the privilege is not likely to be misused.

12.It is to be noted that numerous recreation clubs are registered under the Tamil Nadu Societies Registration Act, 1975. In the State of Tamil Nadu, retail vending liquor shops are being run only by TASMAL, a fully State-owned Corporation and no license has been granted to the private individuals to run retail liquor shops. Since licenses are not granted to run liquor shops, the private individuals are registering Recreation Clubs under Tamil Nadu Societies Registration Act, 1975 and by obtaining FL2 license, in the name of recreation club, they are running liquor shops also, which is causing inconvenience to the residents residing in that locality and road users.

13.It is pertinent to mention that Section 3(1) of the Tamil Nadu Societies Registration Act provides that, subject to the



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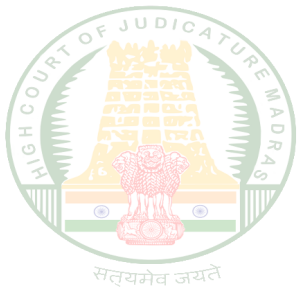
limitations contained in Section 3(2), any society formed with objects such as the promotion of education, literature, science, religion, charity, social reform, art, crafts, cottage industries, athletics, sports (including indoor games), recreation, public health, social service, cultural activities, the diffusion of useful knowledge, or any other useful object within the legislative competence of the State Legislature, as may be prescribed, is eligible for registration under the Act. Section 4 of Tamil Nadu Societies Registration Act stipulates the requirement of compulsory registration. Section 4(1) states that every society formed on or after the commencement of the Act, having objects referred to in Section 3, and which either consists of not less than 20 members or has an annual gross income or expenditure of not less than ten thousand rupees in any financial year after such commencement, shall be registered within the prescribed period. Section 37 of the Tamil Nadu Societies Registration Act empowers the Registrar to cancel the registration of a society upon completion of an inquiry under Section 36, if he is satisfied that the



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society has contravened the provisions of the Act or the rules, is insolvent or likely to become insolvent, or is conducting its business fraudulently or in a manner inconsistent with its by-laws or stated objects. Section 38 of the Tamil Nadu Societies Registration Act deals with cancellation of registration on account of unlawful activities. Section 38(1) provides that where it appears to the Registrar that a registered society is carrying on, or permitting to be carried on, any unlawful activity within its premises, he may conduct an inquiry, and for this purpose, he shall have the same powers as those specified in sub-sections (6), (7), and (8) of Section 36. Section 38(2) states that if, upon such inquiry, the Registrar is satisfied that the society has engaged in or permitted unlawful activities, he shall, after giving reasonable notice and considering any representations made by the society, cancel its registration by order and communicate the same forthwith. The Explanation of Section 38 clarifies that an activity shall be deemed unlawful if it constitutes an offence punishable under any law in force at the relevant time.



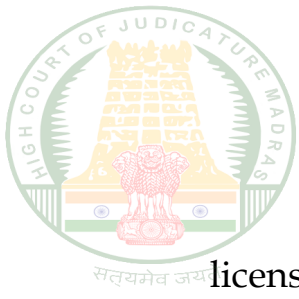
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14.It is to be noted that the Tamil Nadu Prohibition Act,1937 has been entrusted for prohibition of the manufacture, sale and consumption of intoxicating liquors and drugs in the State of Tamil Nadu. As per Section 4(A) of the Tamil Nadu Prohibition Act, 1937, Whoever is found in a state of intoxication in any public place and whoever, not having been permitted to consume any liquor or intoxicating drug in pursuance of this Act, is found in a state of intoxication in any private place, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees.

15.The writ petitioners have stated that two resolution have been passed by the village panchayat on two occasions, ie, on 05.11.2024 and 11.10.2025, objecting the opening TASMALC and private liquor shop. When that being so, the Commissioner, Prohibition and Excise Department, ought to have considered the objections of the villagers and have refrained from granting the

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license as the same is affecting the public at large.

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16.It is relevant to mention that the Village Panchayat and the Grama Sabha, constitutional bodies which are recognized under Part IX of the Constitution of India under Articles 243A, 243G, and the Eleventh Schedule through the 73rd Constitutional Amendment Act of 1992. Article 243A confers authority on the Grama Sabha to function as a body of the people, enabling them to participate directly in decision making on matters that affect the villagers. Article 243G empowers Panchayats as institutions of self-government to prepare plans and implement schemes for economic development and social justice. The resolution passed by the Grama Sabha or the Village Panchayat, reflects the public needs that the Panchayat is duty to protect, particularly with respect to public health, morality, and welfare of the community. Further, the Tamil Nadu Panchayats Act, 1994, provides for the conduct of Grama Sabha meetings and enables Village Panchayats to pass resolutions reflecting the needs, priorities, and collective



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will of the local community.
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17.It is to be noted that consumption of liquor is an individual choice of a person. However, such liquor shops causing nuisance or posing threat to the residents of that locality must be looked into. There is no specific clause / objective in the by-laws approved by the Registrar for selling of liquor by obtaining FL2 licence from the Prohibition and Excise Department. In the absence of any such clause in the by-laws, which are to be approved under the Tamil Nadu Societies Registration Act, 1975, selling of liquor in the Recreation Clubs cannot be permitted and it is a violation of the by-laws of the Societies.

18.It is relevant to refer the Rules 2(viii), 17(a), 19(b)(2) and 19(a) of the Tamil Nadu Liquor (License and Permit) Rules which are extracted as under:-

2(viii).“ Licence “ includes the privileges



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*granted under Section 17-C of the Act for the sale by retail of Indian-made Foreign Spirits ** and foreign liquor ** issued under these rules, and “ licence holder”, means the holder of such a licence.*

17 (a) Kinds of licences – The licences issued under these rules shall be of the following kinds, for the purposes specified in the Act.

(A) Licences for liquor used for consumption The licences issued under this class are for privilege of sale of Indian Made Foreign Spirits in retail under section 17-C of the Act or for sale of foreign liquor.

F.L. 1.Licence for the grant of privilege of retail sale of bottled Indian – made foreign spirits or sale of foreign liquor.

F.L.2.Licence for possession of liquor by a non-proprietary club for supply to members.

19(A).Conditions to be satisfied before a privilege is granted and the licence is issued and the procedure to be followed in dealing with applications:- (A) On receipt of the application, the licensing authority shall verify the particulars furnished in the application. In the case of application of all kinds, he shall satisfy himself in general after due enquiry:- (i) that the local needs



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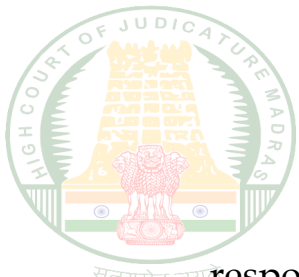


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justify the grant of the licence; and (ii) that public interest shall not suffer by the grant of the licence applied for and that the privilege is not likely to be misused.

19(B)(2).In the case of an application for a licence in Form F.L.2.- (i) that the club in respect of which the licence has been applied for is of a non-proprietary character functioning for more than 3 years and 2 [(ii) that atleast 50 of the members of the club have signified their willingness to obtain liquor from the said club or that the club should have functioned with a bar in the pre-prohibition days and have on its rolls not less than 50 persons.

19.It is also to be noted that Alanganallur Union consisting of 36 villages, wherein there is no liquor shop is functioning and the village panchayat passed resolution on 05.11.2024 and 11.10.2025 objecting the opening of TASMALC and private liquor shop. However, without considering the same, FL2 license was granted. The official respondents failed to consider that the 8th

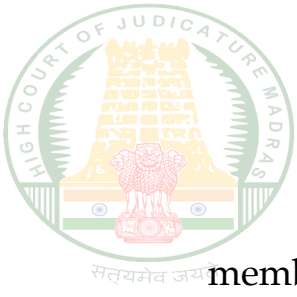


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respondent club had earlier functioned as NDR Vaigai Sports Recreation Helping Club and had changed its name as Pons recreation club, Thandalai, only in the year 2025 and as such, it is not possible for it to comply with the condition stipulated in 19(2) of the Rules. As per the said Rules it should be functioning for more than three years. In the instant case, the club had earlier been functioning somewhere else and wanted to shift now at the present place would not satisfy the above condition. The District Superintendent of Police, Madurai District issued no objection certificate without application of mind. The impugned license had granted without considering 19B(1) of the Rules which stipulates that a general enquiry should be conducted with regard to the two aspects, ie., local needs and public interest shall not suffer. In the instant case, there is no public need as the village had restriction with regard to establishing liquor shop in its union. On the other hand the public interest was not at all considered. The Hon'ble Division Bench of this Court in WP.(MD)No.8038 of 2019 etc., batch dated 18.08.2025 had held that clause regarding number of

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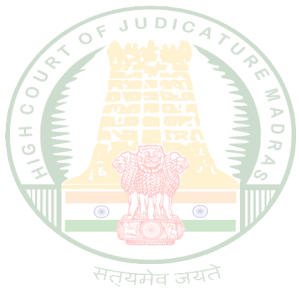
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members should be incorporated in the by-laws. In the instant case, the said exercise had not been made by the club.

20.It is relevant to refer paragraph No.8 of the counter affidavit filed by the District Collector, Madurai, wherein, it has been specifically mentioned the localities where FL2 license have already been granted, which reads as under:-

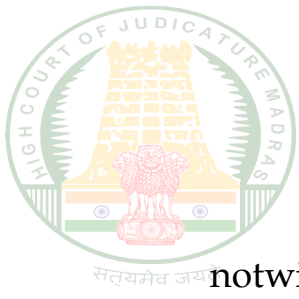
8. It is most respectfully submitted that the claim of the Writ Petitioner that there are no FL - 2 license within a circumference of 15 Kms from Alanganallur for the past 5 years is not completely true. It is pertinent to note that there are FL-2 licensed Recreation Clubs in Sikkandar Chavadi and Pothumbu which are only about 3 kms from the proposed FL-2 at Thandalai. Furthermore until the issuance of FL-2 license there has been no objection or finding from the competent authority/ law enforcement agency that there is possibility of law and order related issues for functioning of a recreational club therein. Therefore the authorities have only performed their bounden duty while processing the application and there is no violation as alleged by the Writ Petitioner.



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21.It is to be noted that decision of the Hon'ble Division Bench of this Court in the case of M.A.Sudhagar vs. The Government of Tamil Nadu, rep. by its Principal Secretary and others reported in 2014 (4) CTC 721, wherein this Court elaborately dealt the issuance of FL2 license and it was held that on receipt of application for grant of FL2 licence, the Licensing Authority should satisfy in general, after due enquiry, find three preliminary conditions are satisfied, namely (i) that the local needs justify the grant of Licence; (ii) that public interest shall not suffer by the grant of licence applied for and (iii) that the privilege is not likely to be misused. Further, in the case of the Tamil Nadu State Marketing Corporation Ltd., Vs. R.M.Shah and others reported in 2010 (2) CWC 337, this Court held that any person who is deprived of peaceful life on account of the nuisance created by a liquor shop would challenge the action in locating the shop in a residential or semi-residential locality as offending the right of life guaranteed under Article 21 of the Constitution of India



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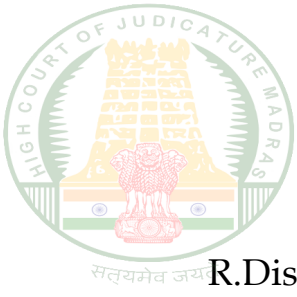
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notwithstanding the fact that the liquor shop satisfies the distance criteria. By applying the law laid down in the aforesaid judgments, in the instant case on hand, we are of the view that the licensing authority has failed to consider the following aspects:-

- i)the local needs justify the grant of license,
- ii)the public interest shall not suffer by the grant of license applied,
- iii)the resolution passed by the village panchayat and union panchayat and
- iv)the conditions enumerated under Rule 19 of the Tamil Nadu Liquor (License and Permit) Rules. Thus, the impugned license has been issued without considering the conditions and procedures stipulated under 19 of the Rules and the same is liable to be set aside.

24.In the result, the writ petitions in WP.(MD)Nos.31562 & 31655 of 2025 are allowed and the impugned FL2 license in

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R.Dis.No.P&E.2(1)/1194/2025 dated 07.10.2025 is set aside. There

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shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(N.S.K., J.) & (M.J.R., J.)
.03.2026

NCC : Yes / No
Index : Yes / No
GNS

To

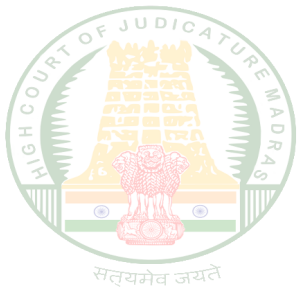
1.The Secretary,
Department of Home,
Prohibition and Excise,
Fort St.George,
Chennai-6000 009.

2.The Commissioner of Prohibition and Excise
Exhilagam Chepauk Chennai-600 005.

3.The Managing Director (TASMAC)
Tamil Nadu State Marketing Corporation
CMDA Building
Tower-II
Gandhi Irwin Bridge
Egmore Chennai - 600 008.

4.The District Collector
Madurai District Madurai.

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5.The Superintendent of Police
Superintendent of Police Office
MoontruMavadi
K.Pudur Madurai-625 007

6.The Assistant Commissioner
Prohibition and Excise Department
Collectorate
Madurai
Madurai District.

7.The Tamil Nadu State Marketing Corporation Limited
Rep. by its District Manager
TASMAC Madurai North
Madurai - Rameshwaram Highway
Kalugar Kadai Vilakku
Manalur
Thiruppuvanam Taluk
Sivagangai District.

8.The Commissioner
Prohibition and Excise Department
Chepauk Chennai 600 005

2.The District Collector
The Collectorate
Madurai
Madurai District.

9.The Superintendent of Police
Madurai District
Alagarkovil
Madurai.



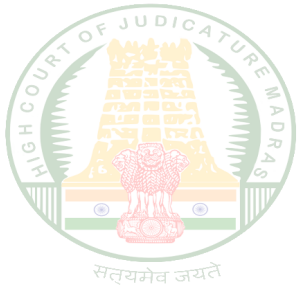
WP.(MD)Nos.31562 & 31655 of 2025

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10.The Managing Director
TASMAC
No.8 CMDA Tower 4th Floor
Gandhi Irin Road
Egmore
Chennai 600 008

11.The Commissioner
Allanganallur Panchayat Union
Allanganallur
Madurai District.

12.The Special Officer
Thandalai Village Panchayat
Allanganallur
Madurai District.



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and
M.JOTHIRAMAN, J.

GNS

Pre-Delivery Judgement made in
WP.(MD)Nos.31562 &
31655 of 2025

.03.2026