

W.P. (MD) No.19368 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 18 / 08 / 2026

DELIVERED ON : 08 / 09 / 2026

CORAM:

**THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

W.P. (MD) No.19368 of 2026

and

W.M.P. (MD) Nos.14323 and 14327 of 2026

1. Mohanraj,
S/o.Kanagaraj,
No.30, Indira Nagar,
Woraiyur, Trichy District.

2. Rajasekar,
S/o.Balraj,
No.3/100, Nadu Theru,
Madakkudi, Samayapuram,
Lalgudi Taluk,
Trichy District.

... Petitioners

Versus

1. The Commissioner,
Prohibition and Excise Department,
Elilazham, Chepauk,
Chennai-600 005.

2. The District Collector,
Office of the District Collector,
Trichy District.



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3. The Commissioner of Police,
Office of the Commissioner of Police,
Pudukottai Road,
Trichy District.

4. The Assistant Commissioner of Police,
The Office of the Assistant Commissioner of Police,
Srirangam Sub Division, Trichy City.

5. The District Manager,
Office of the District Manager,
TASMAC, SIPCOT Building,
Thuvvakudi, Trichy District.

6. The Assistant Commissioner,
Prohibition and Excise Department,
District Collector Office,
Trichy District.

7. The Divisional Excise Officer,
Divisional Excise Office,
West Taluk Office,
Trichy District.

8. The Inspector of Police,
Srirangam Police Station,
Srirangam, Trichy District.

9. The Secretary,
T.V.L. Madurai Recreation Club,
S.No.311, D.No.16/1, Block No.4,
Nearnammakkal lorry services,
Vellithirumutham Village, Srirangam Taluk,
Trichy District.

... Respondents

PRAYER in W.P. (MD) No.19368 of 2026: Writ Petition filed under

Article 226 of the Constitution of India, as a Public Interest Litigation,

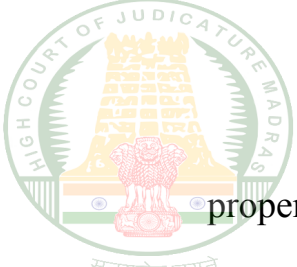


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praying for issuance of a Writ of Mandamus directing the respondents 2 & 5 to forthwith close the existing TASMACH Shop No.10215, situated at Vellithirumutham Village - Trichy to Chennai Highways Road, Srirangam Taluk, Trichy District and consequently restraining the respondents 1 to 4 & 6 to 8 from in any manner issuing No Objection Certificate or licence for locating the FL-2 Recreation Club in the property comprised in S.No.311, at Door No.16/1, Block No.4 - Trichy to Chennai Highways, Vellithirumutham Village, Srirangam Taluk, Trichy District in the light of the Judgement passed in W.P. (MD) No.21149 of 2025, dated August 22, 2025 by considering petitioner's representation dated February 24, 2026.

PRAYER in W.M.P. (MD) No.14323 of 2026: Writ Miscellaneous Petition filed praying to permit the petitioners to file a single writ petition under Rule 15(2) of the Madras High Court Writ Rules, 2023 to regulate proceedings under Article 226 of the Constitution of India and thus render justice.

PRAYER in W.M.P. (MD) No.14327 of 2026: Writ Miscellaneous Petition filed praying to grant an Order of interim injunction, restraining respondents 1 to 4 and 5 to 8 from in any manner issuing No Objection Certificate or licence for locating the FL-2 Recreation Club in the



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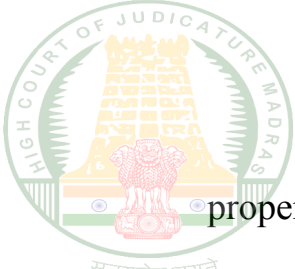
property comprised in S.No.311 at Door No.16/1, Block No.4 - Trichy
Chennai Highways – Vellithirumutham Village, Srirangam Taluk, Trichy
District.

For Petitioners	:	Mr.S.Ramakrishnan for T.Palanisamy
For Respondent Nos.1, 2 6 & 7	:	Mr.M.P.Senthil, Government Pleader
For Respondent Nos.3, 4 & 8	:	Mr.I.Murugesan, Counsel for State (Criminal side)
For Respondent No.5	:	Mr.S.Sivanesan, Standing Counsel
For Respondent No.9	:	Mr.A.N.Ramanathan

ORDER

R.SAKTHIVEL, J.

This is a Public Interest Litigation filed in the nature of Writ of Mandamus, seeking to direct the Respondent Nos.2 and 5 to forthwith close the existing TASMACH [Tamil Nadu State Marketing Corporation] Shop No.10215, situated at Vellithirumutham Village, Trichy to Chennai Highways Road, Srirangam Taluk, Trichy District, and restrict the Respondent Nos.1 to 4 and 6 to 8 from in any manner issuing No Objection Certificate or licence for locating FL-2 Recreation Club in the



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property comprised in Survey No.311, at Door No.16/1, Block No.4, Trichy to Chennai Highways, Vellithirumutham Village, Srirangam Taluk, Trichy District, by considering the petitioner's representation dated February 24, 2026.

BRIEF FACTS:

2. The writ petitioners allege that TASMACH Shop No.10215, a liquor retail shop, is situate within 30 meters from National Highways. They also apprehend that the respondents are going to, in favour of ninth respondent, accord permission for locating recreational club in Survey No.311 situate 40 meters from Trichy-Chennai National Highways and issue "FL-2 license", a licence issued in favour of non-proprietary recreational clubs to possess and serve liquor to eligible their members. According to the petitioners, the above would be contrary to the Judgments of Hon'ble Supreme Court as well as the relevant Rules in force. Hence, the Writ Petition.

ARGUMENTS

3. Mr.S.Ramakrishnan, learned Counsel appearing for the writ petitioners would submit that TASMACH Shop No.10215 is situate within 30 meters from National Highway which is not only against the



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provisions contained in the Tamil Nadu Liquor Retail Vending (In Shops And Bars) Rules, 1981 but also contrary to various Judgments of Hon'ble Supreme Court and of this Court. He would further submit that, the petitioners reliably learnt that the official respondents are going to accord permission to ninth respondent's request for FL-2 license for their recreational club in Survey No.311. Said survey number is situate within 55 meters from National Highway. The petitioner's main concern is that, practically, there exist no proper mechanism to check on such recreational clubs. If FL-2 license is granted in favour of the ninth respondent's recreational club, there are high chances for its misuse. The writ petitioners as responsible citizens concerned about the society, reasonably apprehends that the FL-2 license, if granted, would be misused to serve liquor to general public, especially those travelling in the National Highway, in the guise of serving liquor to their members. Such a practice would ultimately harm the general public in various manners and would be in contravention of the Tamil Nadu Liquor [Licence and Permit] Rules, 1981. Accordingly, he would pray to allow the writ petition and thereby order to close the liquor retail shop run by the TASMALC namely TASMALC Shop No.10215 as well as direct the official respondents not to give FL-2 license to ninth respondent's



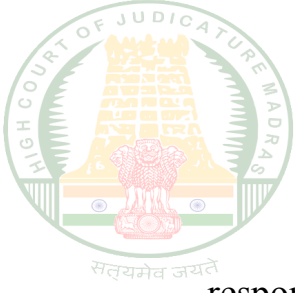
recreational club.

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4. *Per contra*, Mr.M.P.Senthil, learned Government Advocate appearing for the Respondent Nos.1, 2, 6 and 7 would submit that the District Collector, Trichy accorded permission for running TASMAC Shop No.10215 only after considering its distance from the National Highway in light of the relevant Rules. Hence, there is no need to close the liquor retail shop. Further he would submit that, ninth respondent's application for FL-2 license is still under scrutiny and no such licence has been granted yet. Further, the recreational club is situate 55 meters away from the National Highway. Further, the FL-2 license permits liquor possession and service only to the eligible members of the recreational club. If it is found that the same is misused and liquor is served to anyone other than the eligible members of the recreational club, appropriate action would be taken as per law. Stating so, he would pray to dismiss the Writ Petition as devoid of merits.

5. Mr.I.Murugesan, learned Counsel appearing for the Respondent Nos.3,4 and 8 would reiterate the submissions of Mr.M.P.Senthil, learned Government Advocate.



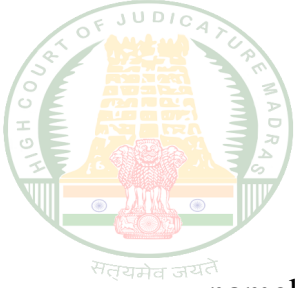
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6. Mr.Sivanesan, learned Standing Counsel appearing for the fifth respondent would submit that TASMAL Shop No.10215 is situate 71 meters away from the National Highway which is beyond the distance prescribed by Rule 8 of the Liquor Retail Vending Rules, 1981. Hence, there exist no reason to close the liquor retail vending shop. Accordingly, he would pray to dismiss the Writ Petition.

7. Mr.A.N.Ramanathan, learned Counsel appearing for the ninth respondent would submit that their recreational club is situate 1.5 Kms away from the Trichy-Chennai National Highways. Further, the recreational club is going to serve liquors only to the members of the club, who are eligible to consume liquor. Hence, the writ petitioners' apprehensions are unfounded and unreasonable. This writ petition has been filed with an ulterior motive only to harass the ninth respondent's club. Accordingly, he would pray to dismiss the Writ Petition.

DISCUSSION AND DECISION

8. This Court has considered the submissions made on either side and perused the materials available on record.



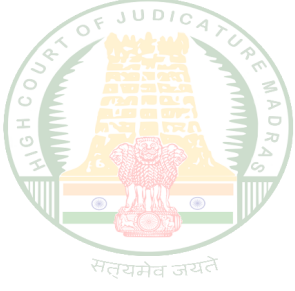
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9. In the Judgment relied on by the writ petitioner in their prayer namely ***Perumal -vs- The Commissioner of Prohibition and Excise*** in ***W.P. (MD) No.8038 of 2019 etc., (batch cases)***, dated ***August 18, 2025***, which has also been reported in ***MANU/TN/4144/2025***, a Co-ordinate Bench of this Court held that recreational club are operating primarily as liquor shops, circumventing the State's TASMAL system. The Court went on to issue certain directions which reads thus:

"19. In view of the facts and circumstances of the case, this Court is inclined to issue the following directions:

(i) The Inspector General of Registration is directed to ensure that the Recreation Clubs selling liquor have incorporated a specific clause in their by- laws, which must be approved by due verification and in accordance with the laws in force. In the absence of any such clause in the by- laws, registration of such Recreation Clubs is to be cancelled.

(ii) In view of the facts and circumstances, this Court is of the view that it would be appropriate to suo motu implead the Director General of Police as a party respondent in this matter. Accordingly, the Director General of Police, No. 4, Dr.Radhakrishnan Salai, Mylapore,



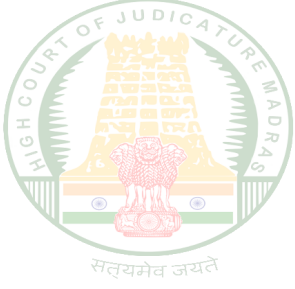
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Chennai-600 004, is suo motu impleaded as a party respondent in W.P.(MD) No. 7409 of 2024. Mr.T.Senthil Kumar, learned Additional Public Prosecutor, takes notice for the newly impleaded Director General of Police. Registry is directed to carry out the impleadment.

(iii) The Director General of Police is directed to ensure that periodical surprise inspections are conducted by the police officials in the Recreation Clubs and its licences, documents and the activities inside the Clubs are verified and in the event of identifying any offence or illegality, the offenders are to be prosecuted. The criminal actions taken by the police authorities must be intimated to the concerned District Registrar of the Registration Department for the purpose of initiation of action under the Tamil Nadu Societies Registration Act, 1975.

(iv) The competent authorities, on receipt of information or complaint, are directed to conduct inspections in the Recreation Clubs and verify the validity of the FL2 licences and the conditions stipulated therein and initiate appropriate actions in the manner known to law.



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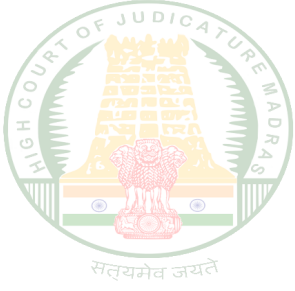
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(v) The activities of these Recreation Clubs, genuinity of the objectives approved in the by-laws under the Tamil Nadu Societies Registration Act, 1975, all are to be monitored closely by the police authorities, authorities of the Registration Department and Prohibition and Excise Department, so as to ensure the right to life of the residents in that locality and in order to maintain public health by the State, which is a mandate under the Constitution of India and the fundamental rights ensured to the citizens in general."

9.1. These directions were intended to ensure that recreational club are functioning as recreational club and check on the liquor shops functioning in the disguise of recreational clubs There is no quarrel with these directions.

10. Moving on, when the present matter was listed on July 23, 2026, this Court passed the following Order:

"The second respondent / District Collector, Trichy District, shall visit the ninth respondent premises / T.V.L. Madurai Recreation Club at S.No.311, D.No.16/1, Block No.4, near Namakkal



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Lorry Services, Vellithirumutham Village, Srirangam Taluk, Trichy District, and file a report as to whether the TASMAC shop is located within the prohibited limit from the National Highways, as the crow flies, and the distance from the National Highways road to the outer wall of the TASMAC shop facing the Highways road. The second respondent shall also ensure that the board showing the TASMAC shop is available close to the National Highways road is removed and determine the distance from the entrance of the shop to the National Highways road for public access. The report shall be filed."

11. Pursuant to the above Order, as per the directions of the District Collector, Trichy, the Tahsildar, Trichy along with Surveyor inspected the TASMAC Shop No.10215 as well as the property location for the recreational club, which are both in the same survey number viz., Survey No.311. In the said report, it has been stated that the TASMAC Shop No.10215 is situate 55.7 meters from the service road and the recreational club's location is 71 meters from the approach road (service road). TSLR Register and a snap of Map, which appears to be taken from 'Google Earth', to show the lie and location of the TASMAC Shop as well

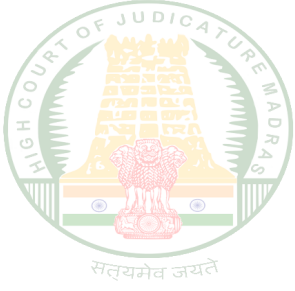


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as the proposed recreation club are annexed along with the report. That apart, the writ petitioner as well as the ninth respondent has filed a topography sketch to show the lie and location of TASMACH Shop No. 10215 and the recreational club.

12. At this point, it is necessary to refer to the Judgment of the Hon'ble Supreme Court in the case of ***State of TamilNadu & ors. -vs- K.Balu & another*** reported in (2017) 6 SCC 715. The relevant portion of the said Judgement is extracted hereunder:

"25. After considering the submissions which have been urged before this Court, we are of the view that there are three areas where the rigours of the directions which have been issued by this Court may require to be suitably modulated without affecting the basic principle underlying the judgment. The first is in relation to limits of local bodies with a population of less than 20,000 people. In such areas, it has been urged before this Court that a State highway is the main thorough fare area along which the township has developed in small clusters of 20,000 or less. Hence, the requirement of maintaining a distance of 500 meter from the outer edge of the highway or service lane may result in a situation where the

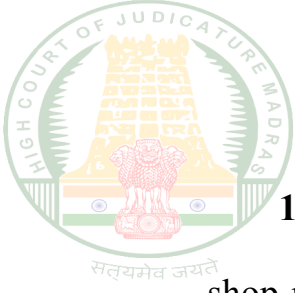


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entire local area may fall within the prohibited distance. We find some substance in the submission. We must emphatically clarify that even in such areas falling under local bodies with a population of less than 20,000, no license for the sale of liquor should be issued along either a National or State Highway or a service lane along the highway. Similarly, the sale of liquor should be from a point which is neither visible from a National or State highway or which is directly accessible from a National or State highway. However, in such a situation, the prohibited distance should in our view be restricted to 220 meter from the outer edge of the National or State highway or of a service lane along the highway. We accordingly direct that the following paragraph shall be inserted, after direction (v) contained in para 29.5 of the operative directions of this court in the judgment dated 15.12.2016 namely : " In the case of areas comprised in local bodies with a population of 20,000 people or less, the distance of 500m shall stand reduced to 220m."

[Emphasis supplied by this Court]



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12.1. The Hon'ble Supreme Court has emphasised that no liquor shop must be situate facing or directly accessible from the Highways at all. It has further observed that in case of liquor shops situate in local body's jurisdiction, they must be at least 220 meters away from the Highways.

13. Coming to the case on hand, the District Collector's Report and the other materials presented before this Court (mentioned above), would clearly depict that the subject liquor retail vending shop run by TASMAC is situate 55.7 meters from the National Highway and the ninth respondent's recreation club is situated about 71 meters therefrom. The aforesaid distances are the aerial distances. It could also be seen from the report that the distance that needs to be travelled by a vehicle to reach the TASMAC Shop No.10215 or the ninth respondent's proposed recreational club from the National Highway is about 1.4 Kms which is 1400 meters. It is settled legal position that while reckoning distance in the present context, the actual distance that a vehicle / person needs to travel to reach the liquor retail units are insignificant and only the aerial distance is to be taken into consideration [See Judgment of a Co-ordinate Bench of this Court in ***R.Gopinath -vs- The District Collector***, reported in ***2016-1-LW-663*** for the proposition that, in the present context,

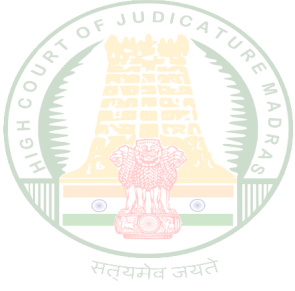


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distance means the shortest distance. The said Judgment has been followed by two another Co-ordinate Bench of this Court for the same proposition, in their Judgment dated **March 17, 2016** made in **Narayan - vs- The Chief Secretary**, made in **W.P. No.7505 of 2013** and Judgment dated **February 13, 2017**, made in **Sakthivel -vs- The State** in **W.P. (MD) No.2344 of 2017**]. As stated above, Hon'ble Supreme Court has held that must be a minimum of 220 meters between the outer edge of Highways and the liquor shop. The aerial distance of the TASMAL Shop No.10215 and the ninth respondent's proposed recreational club from the National Highway being 55.7 meters and 71 meters, their location is not in consonance with the afore-cited Judgment of Hon'ble Supreme Court.

14. Further, as regards the ninth respondent's recreational club, this Court deems fit to rely on G.O. (Ms.) No.32, Home, Prohibition and Excise (VI) Department dated May 21, 2018, whereof Paragraph No.19 reads thus:

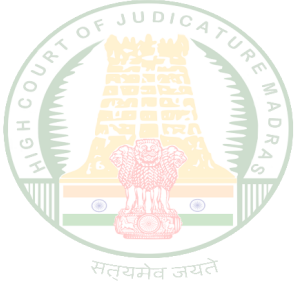
"19.The Commissioner of Prohibition and Excise has further stated that, no licenses for sale of liquor are granted in the State of Tamil Nadu for standalone restaurants. Licenses are granted to clubs (FL2) for supply of liquor to members. FL3 is a license for possession of liquor by the Star



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Hotels for supply to persons for consumption within the licensed room of the Hotel or for removal to their private rooms in the same hotel in which they stay, for consumption there, the hotel has to have a minimum of 20 rooms and essentially cater to the requirements of persons staying in these rooms. FL3A and FL3AA are licenses granted to hotels of Tamil Nadu Tourism Development Corporation and franchises of Tamil Nadu Tourism Development Corporation respectively, where there is a condition that liquor should be supplied only to persons staying in the hotels concerned. FL4, FL4A and FL5 are licenses granted for supply of liquor to Military Units / Military personnel / Ex-servicemen / Officers of Seamen's Merchant Navy. FL6 is a licence granted for issue of liquor for Scientific Industrial or such like purposes. FL7 is a license for sale of wine, grape juice or liquor for sacramental purpose. FL8, FL9 and FL10 are licenses which given for the possession and sale of liquor within an Airport. Hence, for these category of licenses, the Government may issue instructions to the licensing authority to consider the applications from establishments for new / renewal of licenses on a case by case basis as per the Tamil Nadu Liquor (License and Permit) Rules, 1981, if the



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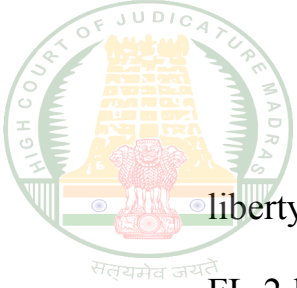
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applications are located within the municipal area or an area mentioned in Para 15 above. In the case of applications from establishments who are not located in a municipal area or an area mentioned in Para 15 above, the distance criteria on/from the Highways, laid down by the Hon'ble Supreme Court in its orders dated 15.12.2016 and 31.03.2017 needs to be followed."

[Emphasis supplied by this Court]

14.1. Hence, it is clear that though the Hon'ble Supreme Court in its afore-cited Judgment uses the term 'liquor shop', the guideline laid down thereunder is applicable to the ninth respondent's recreational club seeking FL-2 license.

15. Hence, this Court by exercising its power under Article 226 of the Constitution of India, is inclined to order the Respondent Nos.2, 5 to 7 to close TASMACH Shop No.10215 forthwith and the Respondent Nos.1 to 4 and 6 to 8 restrain from in any manner granting FL-2 license to ninth respondent's proposed recreational club in Survey No.311. It is made clear that the official respondents are at liberty to relocate TASMACH Shop No.10215 to any other location they deem fit, in accordance with the law and the binding judicial decisions. Similarly, they are also at



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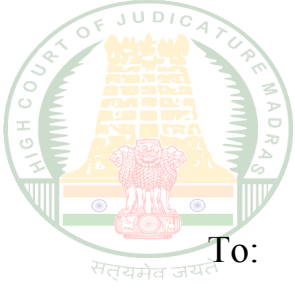
liberty to consider on merits the ninth respondent's fresh application for FL-2 license, if any, provided the proposed location thereunder is in tune with the law and the binding judicial decisions. To the above extent, this writ petition is allowed. In view of the facts and circumstances of this case, there shall be no order as to costs. Consequently, connected Writ Miscellaneous Petition in W.M.P. (MD) No.14323 of 2026 is ordered and that in W.M.P. (MD) No.14327 of 2026 is closed.

[C.V.K, J.]

[R.S.V, J.]

08.09.2026

Index : Yes
Speaking Order : Yes
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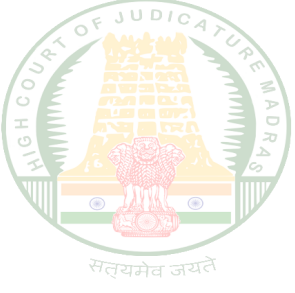


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To:

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AND
R.SAKTHIVEL, J.
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ORDER MADE IN
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