



W.P. No. 30007 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 30007 of 2022

M.Sabeer

... Petitioner

-VS-

1. The Principal Chief Conservator of Forests (HOD),
No. 1, Jeenis Road,
Panagal Building, IX Floor,
Saidapet,
Chennai - 600015.
2. State rep by
The District Collector,
Nilgiris District.
3. Additional Principal Chief Forest Officer,
Avinashi Lingam College,
Coimbatore.
4. District Forest Officer,
Udhagamandalam,
Nilgiris District.

Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Fourth Respondent comprised in their order dated 18.06.2020 in Na. Ka. No. 667/2020/O and quash the same as arbitrary, illegal, unconstitutional and consequently direct the Fourth Respondent to permit the Petitioner to conduct horse ride at Pykara Water falls Tourist place at Udhagamandalam, Nilgiris District.



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For Petitioner : Mr. T.Balaji
For Respondents : Mr. T.Arunkumar,
Additional Government Pleader

ORDER

Heard Mr. T.Balaji, Learned Counsel for the Petitioner and Mr. T.Arunkumar, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the Order in Na. Ka. No. 667/2020/O dated 18.06.2020 by which the request of the Petitioner for providing horse riding facility at Pykara Water Falls tourist place in Udhagamandalam, Nilgiris District has been rejected.

3. It is brought to notice that in respect of one E.Shanawas, who is similarly placed to the Petitioner, this Court by order dated 27.07.2022 in W.P. No. 20966 of 2021 had passed the following self-explanatory order:-

“2. It is submitted that there is a danger not only to the Tourists, but also to the animals and therefore permission for



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horse riding around Pykara Water Falls at Udhagamandalam, Nilgiris District cannot be allowed. It is noticed that almost in the same vicinity near the 9th mile shooting spot similar permission has been granted.

3. *Considering the fact, permission has been granted near the same location earlier as has been confirmed in the RTI response dated 29.03.2021 obtained by the petitioner, I am inclined to quash this impugned order by directing the Fourth Respondent/District Forest Officer to pass a fresh order, after considering the permission granted to the similarly placed person in the 9th Mile Shooting Spot, Udhagamandalam, Nilgiris District.*

4. *Even if the permission was granted temporarily for similarly placed persons at 9th Mile Shooting Spot, the Fourth Respondent/District Forest Officer is directed to pass a fresh order. If required necessary opinion from the concerned veterinary Medical Science Department can be obtained. In case, there are no other impediments for grant of license, the license shall be issued to the petitioner. The above exercise shall be*



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carried out by the Fourth Respondent/District Forest Officer

within a period of four weeks from the date of receipt of a copy of this order.”

4. Learned Additional Government Pleader appearing for the Respondents submits that in furtherance to the aforesaid order, the opinion by letter in ROC No. 29/2022 dated 01.09.2022 has been received from the Veterinary Surgeon in which he has categorically stated that horse riding for tourist is not possible due to hilly terrain of Pycara Waterfalls area, unlike the flat surface at 9th mile shooting spot that had been relied for comparison in that case. It is submitted that the request of the said E.Shanawas in respect of Pycara Waterfalls has been ultimately rejected by letter in R.O.C. No. 177/2022 dated 02.10.2022 stating the aforesaid reasons and its copy has been placed on record. In view of the aforesaid subsequent events after the passing of the impugned order, it is not possible to grant the relief sought by the Petitioner in this Writ Petition.

In fine, the Writ Petition is dismissed. No costs.

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Index: Yes/No

Note: Issue order copy by 06.01.2023.

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To

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P.D. AUDIKESAVALU, J.

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