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W.P.Nos.10885 and 10892 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.Nos.10885 and 10892 of 2026

and W.M.P.Nos.11833, 11834, 11836 and 11839 of 2026

Aakash Rooms and Cottages,
Rep. by its Managing Partner,
Dr. Chitra Vijayaraj
No.167, A Hadfield Road,
Hill Bunk,
Ooty-643 001

Petitioner in
W.P.No.10885/2026

S.Mahesh
S/o.C.B.Shankaranarayanan,
167/B1, Hatfield Road,
Peytons Road,
Ooty-643 001

Petitioner in
W.P.No.10892/2026

Vs

1.The District Collector,
The Nilgiris District,
Collectorate,
Ooty-643 001



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2.The Commissioner
Udhagamandalam Municipality,
Ooty,
The Nilgiris District.

Respondent in
both WPs

PRAYER in W.P.No.10885 of 2026: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the 2nd respondent order dated 24.01.2026 vide Ref. No.14/2026/F1 and quash the same and consequently, direct the 2nd respondent to permit the petitioner to continue to run the hotel in the name and style of Aakash Rooms and Cottages at Door No.167A, Hadfield Road, Hill Bunk, Ooty-643 001.

PRAYER in W.P.No.10892 of 2026: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the 2nd respondent order dated 24.01.2026 vide Ref. No.15/2026/F1 and quash the same and consequently, direct the 2nd respondent to permit the petitioner to continue to run the hotel in the name and style of Golden Larch Residency at Door no 167/B at Hatfield Road, Peytons Road, Ooty.

For Petitioners: Mr.V.Ramesh
for Mr.R.Ashwanth

For Respondents: Mr.K.Karthik Jagannath
Government Advocate
for R1 and R2



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COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

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Heard on admission.

2. Challenging the impugned lock and seal orders dated 24.1.2026 issued by the second respondent, the petitioners have filed the present writ petitions.

3. Learned counsel for the petitioners submitted that the buildings in question were constructed pursuant to an approved building plan and the premises have been in continuous commercial use, that too, with all requisite statutory approvals and licences from the competent authorities. He would submit that the impugned orders have been issued without prior notice and an opportunity of hearing and, therefore, the same violates Articles 14 and 19(1)(g) of the Constitution of India.

4. The specific contention of learned counsel for the petitioners is that, insofar as the petitioner in W.P.No.10885 of 2026 is concerned,



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the building is an approved construction and the built-up area is below 500 sq. metres and the establishment operates strictly in compliance with the Development Control Rules as also the statutory requirements. As far as the petitioner in W.P.No.10892 of 2026 is concerned, it is the submission of learned counsel that the establishment consists of 9 rooms with a total built-up area of approximately 250 sq. metre, capable of accommodating about 20 persons and the property is situated in a mixed residential/commercial zone where running a hotel is permissible activity under the Development Control Rules. Therefore, the impugned lock and seal orders are arbitrary and illegal and, hence, the same are liable to be quashed.

5. Per contra, learned counsel appearing for the respondents submitted that the impugned lock and seal orders have been issued upon spot inspection made by the authorities finding violations in the buildings and also pursuant to the directions of this Court. It is the submission of learned counsel for the respondents that there is no illegality in issuing the impugned lock and seal orders. Thus, the writ petitions are liable to be dismissed.



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6. In reply, learned counsel for the petitioners submitted that upon receipt of the impugned lock and seal orders, the petitioners have submitted detailed representations enclosing all statutory approvals and licences. However, the respondent authorities failed to consider the same and proceeded with coercive action.

7. We have considered the submissions made by learned counsel for the petitioners and learned counsel for the respondents and also perused the records.

8. The main grievance of the petitioners is that while matters relating to bed and breakfast establishments/homestays were pending consideration before this Court in W.P.No.15120 of 2019, the impugned lock and seal orders have been issued and that the said orders were served only by affixture and no prior show cause notice was issued.

9. It appears that with regard to action against the illegal resorts, lodges, cottages, homestays operating under the bed and breakfast licence in the primary residential zones of the Nilgiris District, a writ petition, being W.P.No.15120 of 2019, is pending before a Special Bench of this Court, in which, the Special Bench, upon



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perusing the status reports filed by the authorities concerned, vide order dated 30.1.2026, observed as under:

"15.It is made clear that this Court had not directed the concerned authorities to stop renewal of licence of the bed and breakfast establishments/homestays. If the homestay or bed and breakfast establishment is operated in compliance of the respective Government Orders and the concerned building is also one constructed with a duly approved plan, then, there will be no impediment, whatsoever, to renew the licence in those cases, and the authorities cannot be shunning away from their duty of renewing the licence merely because this case is pending before this Court. Therefore, wherever applications are made for renewal of licences, the same shall be scrutinised scrupulously and it shall be found out first whether the building is there with an approved plan and secondly, whether they are operating as per the Rules framed thereunder for the purpose of grant of licence and if so, there shall be no impediment and the licence be renewed to the appropriate buildings. In cases wherever the licence is refused to be renewed, then, further action to ensure that the activities stop, shall also be undertaken."

10. According to the petitioners, despite the petitioners submitting documents, including the approved building plan, registration certificate and other statutory approvals, the



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respondent authorities failed to consider the same and proceeded with coercive action.

11. It appears that before issuing the impugned lock and seal orders, the petitioners were issued with notice dated 28.7.2025 directing the petitioners to discontinue the use of the buildings. Since the petitioners failed to do so, the second respondent issued the impugned orders under Section 145(2) of the Tamil Nadu Urban Local Bodies Act, 1998 and Section 56(2-A)/57(4) of the Tamil Nadu Town and Country Planning Act, 1971, thereby locking and sealing the buildings. The impugned order specifically states that *"any person aggrieved by this order may prefer an application under Section 146 of the Tamil Nadu Urban Local Bodies Act, 1998 to the Secretary to the Government, Municipal Administration and Water Supply Department, within thirty days from the date of sealing of the premises"*.

12. Assailing the said orders, the petitioners instead of filing applications under Section 146 of the Tamil Nadu Urban Local Bodies Act, 1998 before the Secretary to the Government, Municipal



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Administration and Water Supply Department, have filed these writ petitions.

13. The submission of learned counsel for the petitioners is that though the impugned order is appealable, the present writ petitions are filed seeking direction from this Court in view of the directions contained in the order dated 30.1.2026 passed by this Court in W.P.No.15120 of 2019.

14. On a perusal of the order dated 30.1.2026 passed in W.P.No.15120 of 2019, we find the Special Bench clearly observed that *"wherever they have not filed any compliance document, immediate action be taken and all further proceedings for locking and sealing and also stopping of the usage of the building, shall also be forthwith made and wherever, they file compliances, the same shall be once again scrutinized and further orders be passed in accordance with law"*.

15. If there is any violation and/or non-compliance of the directions issued by the Special Bench, it is for the petitioners to



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approach and plead before the said Bench seeking intervention. If any order is passed in these writ petitions, the same will affect and/or interdict the proceedings which are being monitored periodically by the Special Bench.

16. It is the admitted case of the petitioners that they have submitted a representation on 11.2.2026 along with relevant documents, without preferring an application under Section 146 of the Act, as observed in the lock and seal orders. The present writ petitions have been filed on 05.3.2026 without even giving the authorities a reasonable time to scrutinize and/or consider the representation. Admittedly, the buildings in question have been sealed and locked with a direction to the owners/occupiers not to break or tamper with the lock and seal. Since the impugned action of the respondent authorities, more particularly, the second respondent, is pursuant to the order of this Court in W.P.No.15120 of 2019, the same cannot now be interfered with by this Court in the present writ petitions.



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17. For all the reasons stated above, the writ petitions are dismissed. However, this order shall not preclude the petitioners from approaching the Special Bench seeking intervention. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
25.03.2026

Index : Yes/No
Neutral Citation : Yes/No
sasi/bbr

To:

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The Nilgiris District,
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- 2.The Commissioner
Udhagamandalam Municipality,
Ooty,
The Nilgiris District.



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THE HON'BLE CHIEF JUSTICE
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