



WP No.44540 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2026

CORAM

THE HON'BLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

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MOHAMED RIZWAN SAIT
S/o.ASLAM SAIT, 17/114,
METTUPALAYAM ROAD,
KOTAGIRI, THE NILGIRIS-643 217 : Petitioner

Versus

1.THE DISTRICT COLLECTOR
THE DISTRICT COLLECTOR OFFICE,
OOTY, THE NILGIRIS-643 001

2.THE DISTRICT REVENUE OFFICER
THE DISTRICT COLLECTOR OFFICE,
OOTY, THE NILGIRIS-643 001

3.THE DIRECTOR
DEPARTMENT OF TOURISM,
TAMIL NADU TOURISM DEVELOPMENT CORPORATION,
TOURISM COMPLEX, NO.2, WALLAJAH ROAD,
TRIPLICANE, CHENNAI-600 002

4.THE COMMISSIONER
KOTAGIRI MUNICIPALITY,

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MUNICIPALITY OFFICE, KOTAGIRI,
THE NILGIRIS-643 217

: Respondents

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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1, 2 and 4 to revoke the lock and seal notice dated 26.08.2025 affixed on the door of the petitioners property in survey number 1083/1B as per Patta S.No.1083/ 1B1A1A of Kotagiri 1 Village, Kotagiri Taluk, The Nilgiris District situated at door No.25/30 A, B, Kota Hall Road, Don Bosco, Kotagiri, The Nilgiris, District, and permit the petitioner to carry on his lawful business and consequentially direct the 3rd Respondent to issue a renewed licence petitioner's Bed and Breakfast Establishment operating under a trade name of Dream Nest at Door No.25/30 A, B, Kota Hall Road, Don Bosco, Kotagiri, The Nilgiris District.

For Petitioner : Mr.P.R.Balasubramanian

For Respondents : Mr.A.Edwin Prabhakar,
State Government Pleader,
for respondents 1 to 3

ORDER

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

Heard learned counsel on either side.

2. Challenge to the notice dated 26.08.2025 is based essentially on the issue of the actual use of the premises. Admittedly, according to the petitioner, the licence for using the building as resort was



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surrendered. Though it is the case of the petitioner that thereafter the petitioner has not used the building as a resort, from the turn of events culminating in issuance of the impugned notice, it is evident that, in compliance of various directions issued by this Court from time to time to ensure stoppage of illegal resorts in and around tiger reserve area, inspections were carried out by the authorities and during that inspection, according to the respondents, the petitioner was found using the premises as resort and not as a place of residence. Even according to the petitioner, the respondent authorities have arrived at the spot, made spot inspection, that followed issuance of the impugned notice. Therefore, what transpires is that it is a case of disputed questions of fact with regard to the actual use of the premises.

3. In these circumstances, in exercise of our discretion, we are not inclined to go into the disputes of factual nature. The petitioner has an alternative remedy. Therefore, we leave it open for the petitioner to workout his remedy as may be available under the law.



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4. If the appeal is filed within a week, the appellate authority shall condone the delay insofar as period spent in prosecuting the writ petition is concerned. The other period shall be considered in accordance with law.

5. The writ petition is dismissed. There shall be no order as to costs. Consequently, WMP Nos.49693, 49694 of 2025 are closed.

(SUSHRUT ARVIND DHARMADHIKARI, C.J.) (G.ARUL MURUGAN, J.)
11.03.2026

Index : Yes/No
Neutral Citation : Yes/No
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To

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THE HON'BLE CHIEF JUSTICE
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