



WP No.48074 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2026

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

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K.Shoukath Ali

: Petitioner

versus

1.The Principal Secretary,
Government of Tamil Nadu,
Department of Housing & Urban Development,
Secretariat, Fort St.George,
Chennai 600 009

2.The Director of Municipal Administration,
Chepauk,
Chennai 600 005

3.The Commissioner,
Nelliayalam Municipality,
Nilgiris District

4.The Tahsildar,
Pandalur,
Nilgiris District

: Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned lock and seal order issued by the third respondent under Sections 145 and 145-A of the Tamil Nadu Urban Local Bodies Act, 1998 (Amended 2022) dated 28.08.2025 and quash the same as illegal and consequently direct the respondents to remove the lock and seal and permit the petitioner to continue lawful operations of the premises situated in Door No.1/147, Marina Home Stay, Pandalur, Nelliyalam, Nilgiris District.

For Petitioner : Mr. A.Parthasarathy
For Mr. K.Madhu

For Respondents : Mr. E.Vijay Anand
Additional Government Pleader

ORDER

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

The petitioner has filed this petition assailing the legality and validity of the notice dated 28.08.2025, pursuant to which, the building of the petitioner has been locked and sealed.



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2. The learned counsel for the petitioner would submit that without serving any prior show-cause notice proposing lock and seal, the building of the petitioner could not have been locked and sealed.

3. In view of the statement made before this Court that without giving any opportunity of hearing, the building has been locked and sealed, notices were issued to the respondents.

4. In the counter-affidavit and additional affidavit which have been filed by the respondents, it has been stated that as a matter of fact, spot inspection was carried out in the presence of Mr.Rashid, manager engaged by the petitioner, who acknowledged the receipt of notice. A copy of the notice bearing acknowledgment is also placed on record.

5. Learned counsel for the petitioner disputes the said fact and submits that he does not know as to who received the notice.

6. The stand taken by the learned counsel for the petitioner is wholly unacceptable. Notice received by a person who was present in the building at the time of spot inspection clearly shows that Mr.Rashid



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was residing there with the authority of the petitioner, as the petitioner has not taken any action against Mr.Rashid.

7. The allegation is that the petitioner is using the building for commercial purposes i.e. allowing the building to be used as home stay.

8. Learned State Counsel brings to the notice of this Court the order dated 25.04.2025 passed by a Division Bench of this Court in WP No.15120 of 2019 (*G.Subramania Koushik vs. Principal Secretary, Environment and Forest Department*). Taking note of the fact that large number of home stay/ cottages are functioning in the Nilgiri hill areas without any license whatsoever from the Tourism Department or from other agencies of the local bodies, the Division Bench observed that immediate measures are required to be taken against those who are operating illegally without license from the Tourism Department.

8.1. Having so noted, the Division Bench directed inspections to be carried out throughout the hills and gather information through various private booking websites and ascertain whether the listed home stays/cottages are licensed operators or not.



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9. It appears that pursuant to the directions issued by this Court, the authorities proceeded to inspect the building of the petitioner and one Mr.Rashid, who was present there, acknowledged receipt of notice served on him.

10. Petitioner's case that Mr.Rashid was a stranger cannot be accepted. We fail to understand how a person was in occupation of the building without the knowledge of the petitioner. Therefore, the petitioner's stand cannot be accepted.

11. In the interest of justice, however, petitioner is granted fifteen days' time to submit his reply. Thereafter, authorities shall take appropriate action. If the petitioner gives an undertaking that the residential building shall not be allowed for the purpose of home stay/ cottage without any license from the Tourism Department or other agencies of the local bodies, the authority may consider de-sealing the building.

12. It is however made clear that if the petitioner is again found using the building for home stay/ cottages without proper license from the competent authority, the building shall be instantaneously sealed.



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13. The petition is accordingly disposed of. There will be no order as to costs. Consequently, WMP Nos.53731, 53729, 53726 of 2025 are closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ.) (G.ARUL MURUGAN, J.)
16.02.2026

Index : Yes/No
Neutral Citation : Yes/No
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