



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 11<sup>TH</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ**

**WRIT PETITION NO. 17310 OF 2026 (GM-RES)**

**BETWEEN:**

SRI P A PONNAPPA  
S/O LATE SRI PALECANDA M AIYANNA  
AGE ABOUT 55 YEARS,  
RESIDING AT FAITH CINCHONA ESTATE ,  
KUTTA VILLAGE, SRIMANGALA HOBLI,  
PONNAMPET TALUK  
KODAGU DISTRICT - 571 250  
KARNATAKA

...PETITIONER

(BY SRI. ANGAD KAMATH, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY,  
DEPARTMENT OF TOURISM  
VIKASA SOUDHA,  
DR. B.R. AMBEDKAR VEEDHI  
BENGALURU - 560 001
2. THE COMMISSIONER  
DEPARTMENT OF TOURISM,  
GOVERNMENT OF KARNATAKA,  
KHANIJA BHAVAN RACE COURSE ROAD,  
BENGALURU - 560 001
3. THE DEPUTY COMMISSIONER AND CHAIRMAN  
DISTRICT TOURISM DEVELOPMENT COMMITTEE  
KODAGU DISTRICT,  
OFFICE OF THE DEPUTY COMMISSIONER,





MADIKERI - 571 201

4. THE DEPUTY DIRECTOR  
DEPARTMENT OF TOURISM  
STUART HILL ROAD, MADIKERI  
KODAGU DISTRICT - 571 201

...RESPONDENTS

(BY SRI. SHAMANTH NAIK, HCGP)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER DATED 22.04.2026 BEARING NO. UNIKA/PRI/ADMINISTRATION/2026-27/16 ISSUED BY R3 WHICH IS PRODUCED AT ANNEX-B AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

**ORAL ORDER**

1. Learned AGA is directed to take notice for respondent Nos.1 to 4.
2. Petitioner is before this Court seeking for the following reliefs:

WHEREFORE, it is most respectfully prayed that this Hon'ble Court be pleased

- I. Issue a writ in the nature of certiorari, or any other appropriate writ, order or direction, quashing the impugned order dated 22-04-2026 bearing No. UNIKA/PRI/Administration/2026-27/16,



issued by Respondent No.3 which is produced at ANNEXURE- B.

- II. Issue a writ in the nature of mandamus, or any other appropriate writ, order or direction, restraining Respondents No 1 to 4, their agents, servants, officers and any person acting on their behalf, from giving effect to or acting upon the impugned order produced at Annexure-B by respondent No.3 dated 22-04-2026, and directing them to treat Registration No.DT/DOT/08/00001983 dated 15-01-2024 as continuing in full force and effect during its original term up to 15-01-2029,
  - III. Award costs of and incidental to this petition to the Petitioner, and
  - IV. Pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case, in the interests of justice and equity."
3. The grievance of the Petitioner is threefold.
- 3.1. Firstly, it is contended that the impugned order has been passed without issuance of any prior notice to the Petitioner and without affording an opportunity of hearing, thereby offending the principles of natural justice.
  - 3.2. Secondly, it is submitted that the impugned action has been taken without adhering to the



procedure contemplated under the Karnataka Tourism Trade (Facilitation and Regulation) Act, 2015, which, according to the Petitioner, governs homestay establishments in view of clause (b) of Section 2 of the said Act.

- 3.3. Thirdly, it is contended that the mandatory procedure prescribed under Section 13 of the Act has not been complied with before passing the impugned order. On this ground also, the Petitioner submits that the impugned action is liable to be set aside.
4. Learned AGA on instructions fairly submitted that no notice had been issued.
5. In the aforesaid circumstances, it is clear that the impugned action cannot be sustained in law. The materials placed on record do not disclose that any notice was issued to the Petitioner prior to the passing of the impugned order. The Petitioner was neither informed of the allegations nor deficiencies said to exist nor afforded an opportunity to place his explanation on record. The impugned order, which undoubtedly entails adverse civil consequences, has thus been passed in violation of the well-settled principles of natural justice, particularly the rule of



audi alteram partem. Unless specifically excluded by statute, compliance with the principles of natural justice is an indispensable requirement before any administrative or quasi-judicial action prejudicially affecting the rights of a person is taken.

6. Apart from the aforesaid infirmity, the action of the respondents is also contrary to the statutory scheme under the Karnataka Tourism Trade (Facilitation and Regulation) Act, 2015. The Petitioner has contended that the establishment in question falls within the ambit of a homestay as contemplated under clause (b) of Section 2 of the Act. Once the field is occupied by a special statute regulating tourism-related establishments, any action affecting the Registration, recognition, functioning, or operation of such establishment must necessarily conform to the procedure prescribed therein.
7. The legislative intent underlying the Act is to ensure not only effective regulation of tourism-related activities but also fairness and transparency in the exercise of regulatory powers. The procedural safeguards incorporated in the statute are not empty formalities. They are intended to protect operators from arbitrary action and to ensure that any adverse



decision is taken only after due consideration of the relevant facts and circumstances.

8. In the present case, the respondents have not demonstrated compliance with the requirements of Section 13 of the Act. The record does not disclose the issuance of any show-cause notice, the grant of a reasonable opportunity to submit objections, or the conduct of any enquiry preceding the impugned action. In the absence of compliance with the statutory procedure, the decision-making process stands vitiated.
9. It is a settled principle of administrative law that where a statute prescribes a particular manner in which a power is to be exercised, such power must be exercised only in that manner or not at all. The authorities cannot bypass the safeguards expressly incorporated by the legislature and resort to a procedure of their own devising. Any action taken in disregard of the mandatory procedure prescribed by statute is rendered vulnerable to judicial review.
10. Thus, viewed from any angle, the impugned order suffers from a dual infirmity. Firstly, it has been passed in breach of the principles of natural justice. Secondly, it has been issued without adherence to



the mandatory procedure prescribed under the Karnataka Tourism Trade (Facilitation and Regulation) Act, 2015, particularly Section 13 thereof. The impugned order is therefore liable to be quashed, reserving liberty to the respondents to proceed afresh in accordance with law, after complying with the statutory requirements and the principles of natural justice.

11. Before parting with the matter, this Court deems it necessary to make certain observations regarding the regulation of homestays in the State of Karnataka.
12. The issue involved in the present petition pertains to the operation of a homestay. This Court has, of late, been noticing an increasing number of disputes and petitions arising out of actions taken against homestays on the basis of complaints received from tourists, neighbouring residents, local authorities and other stakeholders. The recurring nature of such disputes indicates the need for a more comprehensive and integrated regulatory framework governing homestays in the State.
13. The Karnataka Tourism Trade (Facilitation and Regulation) Act, 2015 undoubtedly provides for the



Registration and regulation of tourism trade establishments, including homestays. However, the operation of a homestay involves numerous aspects that traverse several statutory and regulatory domains and which cannot be effectively addressed merely through Registration under the said Act. A homestay is not merely a commercial establishment; it is a place where members of the public reside, often for extended periods, and where food, accommodation and related services are provided. Consequently, considerations of public safety, health, hygiene, security, consumer protection and civic compliance assume considerable significance.

13.1. Firstly, there is the aspect of fire safety. Many homestays operate from residential buildings, which may not have been originally designed to accommodate transient guests. Adequate fire-prevention measures, emergency exits, fire-fighting equipment, evacuation protocols and periodic inspections are essential to safeguard the lives of guests and occupants. Any deficiency in this regard can result in catastrophic consequences affecting not only tourists but also neighbouring properties and residents.



- 13.2. Secondly, where food is prepared and served to guests, compliance with applicable food safety standards becomes imperative. Kitchens must conform to hygiene requirements, storage norms and quality standards prescribed under the relevant food safety laws. Food-borne illnesses or contamination can adversely affect tourists and tarnish the reputation of the tourism sector as a whole. The requirement of appropriate permissions and periodic inspections is therefore intended not merely as a regulatory formality but as a measure to protect public health.
- 13.3. Thirdly, there is the issue of building compliance and local authority permissions. Homestays often operate in residential, semi-urban, rural, coastal, eco-sensitive or hill areas. It is therefore necessary to ensure compliance with zoning regulations, building by-laws, occupancy norms, sanitation requirements, waste-management obligations and environmental regulations. Such compliance protects the interests of neighbouring residents and ensures that tourism-related activities do not adversely



affect local infrastructure or ecological sustainability.

13.4. Fourthly, guest security and law-and-order considerations require adequate attention. Homestay operators may be required to maintain accurate guest records, verify identity documents and cooperate with law-enforcement agencies whenever necessary. Such measures are of increasing importance in the present day, having regard to concerns relating to public safety, criminal activities, trafficking, cybercrime and other unlawful activities which may be facilitated by the anonymous occupation of premises.

13.5. Fifthly, there is a need for transparency and consumer protection. Tourists frequently make bookings through digital platforms and online aggregators. Issues relating to pricing, cancellation policies, amenities offered, refunds, hidden charges, quality of accommodation and redressal of grievances frequently arise. Uniform disclosure standards and minimum service requirements would provide certainty to consumers and reduce disputes.



- 13.6. Sixthly, there is a need to prescribe minimum standards relating to sanitation, cleanliness, drinking water, waste disposal, sewage management and environmental sustainability. Such standards are particularly important in tourist destinations which attract a large influx of visitors and where the cumulative impact of non-compliance by multiple establishments can adversely affect public health and the environment.
- 13.7. Seventhly, there is a need to clearly delineate the responsibilities of the various governmental authorities involved in regulation. At present, aspects relating to tourism, food safety, fire safety, local administration, public health, police verification, taxation and environmental compliance are administered by different departments. In the absence of a coordinated framework, operators are often uncertain as to the approvals required and the authority competent to grant them, while enforcement agencies may adopt inconsistent approaches. A consolidated regulatory framework would facilitate compliance and improve administrative efficiency.



- 13.8. Eighthly, there is a need for a structured inspection and enforcement mechanism. While regulatory oversight is necessary, inspections must be conducted in a transparent, accountable and non-arbitrary manner. The framework should provide for periodic inspections, issuance of notices, opportunity to rectify deficiencies, graded penalties based on the nature and gravity of violations, and an effective appellate mechanism. Such safeguards would ensure that enforcement remains fair, proportionate and consistent with the principles of natural justice.
- 13.9. Ninthly, a distinction may also be required between small family-run homestays and larger commercial establishments operating under the nomenclature of homestays. Regulatory requirements should be proportionate to the scale and nature of operations so as to avoid imposing an undue burden upon genuine small operators while ensuring adequate oversight of larger establishments catering to substantial numbers of guests.



- 13.10. The above being some examples there may be many more requirements which the experts would have to identify and address in the policy to be formulated.
14. A comprehensive policy or regulatory framework addressing the aforesaid aspects would serve multiple public purposes. It would enhance tourist safety, promote confidence in Karnataka as a tourist destination, ensure uniformity in enforcement, reduce regulatory ambiguity, facilitate ease of compliance for operators, protect neighbouring communities, minimise avoidable litigation and foster sustainable growth of the tourism sector. Such a framework would also assist authorities in taking informed and legally sustainable decisions while ensuring that actions affecting homestay operators are undertaken in a fair, transparent and predictable manner.
15. In view of the increasing importance of the homestay sector and the recurring disputes brought before this Court, it would be appropriate for the Principal Secretary, Department of Tourism, Government of Karnataka, in consultation with the Departments concerned, to examine the feasibility of formulating a



comprehensive policy and regulatory framework governing the establishment, operation and supervision of homestays in the State.

**ORDER**

- (i) Writ petition is ***allowed***.
- (ii) The order dated 22.04.2026 at Annexure B is read down as a show cause notice.
- (iii) The Petitioner to reply to the same within a period of two weeks from today i.e. on or before 24.06.2026.
- (iv) The respondents are directed to pass necessary orders in accordance with the Karnataka Tourism Trade (Facilitation and Regulation) Act, 2015 within a period of two weeks thereafter.
- (v) Learned AGA to bring the directions to the notice of the Principal Secretary, Department of Tourism, Government of Karnataka.
- (vi) Thought the above matter is disposed relist on **20.07.2026** to enable the Principal Secretary, Department of Tourism, Government of Karnataka, to place the policy formulated on record.

**Sd/-**  
**(SURAJ GOVINDARAJ)**  
**JUDGE**