

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

SAT/1/2025
IA No.CAN/1/2025

Smt Tokidasi

Vs.

The Hon'ble Lieutenant Governor and Others

Mr. Gopala Binnu Kumar ... for the appellant

February 24, 2025
[SR]
Item No.3

1. Mr. Gopala Binnu Kumar, learned counsel appears for the appellant.
2. Upon hearing the learned counsel for the appellant, the instant second appeal is admitted and shall be heard on the following substantial questions of law.
 - (i) Whether in the light of the document being Exhibit P-9 the appellant/plaintiff is a pre-1978 or post-1978 encroacher in respect of the suit land?
 - (ii) Whether in the light of the provision under clause 5 of the relevant scheme dated August 17, 1987, the appellant/plaintiff is eligible to receive the benefit of the scheme in respect of the suit land in the facts and circumstances pleaded in the plaint?
3. It is submitted on behalf of the appellant that she is still in possession and occupation of the suit land.
4. The records are called for.
5. The department shall take steps expeditiously to call for the records.

6. Upon arrival of the records, the department shall issue administrative notice upon the appellant for filing requisite number of paper books as per the rules with a proper index.

7. Such paper books shall be filed positively within a period of four weeks from the date of receipt of the notice from the department by the appellant.

8. After receiving the requisite number of paper books, the department shall issue administrative notice upon the respondents to collect the paper books positively within a period of four weeks from the date of filing of requisite number of paper books.

9. After the said period is over, the appellant shall be at liberty to mention the instant second appeal for final hearing upon notice to the respondents.

10. There shall be an order of *status quo* with regard to possession of the appellant/plaintiff in respect of the suit land until disposal of the instant second appeal.

11. In view of the above, **CAN/1/2025** stands disposed of.

(**Aniruddha Roy, J.)**

(**Bibhas Ranjan De, J.**)