

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

WPA/76/2026

Smti. Urmila Adhikari

Vs

The Deputy Commissioner and Others

Ms. A. S. Zinu

... for the petitioner

Mr. V. D. Sivabalan

Mr. Arun S. Kumar

... for the Administration

Mr. C.Mano

(on behalf of Mr. K.M.B. Jayapal)

... for the private respondents

February 23, 2026

[AKB]

Item No.3

This instant writ petitioner has been filed by the writ petitioner seeking direction upon the respondents to implement the order passed by the Deputy Commissioner, South Andaman District on 09.06.2025.

It is the specific case of the petitioner that in pursuance to the order passed by the co-ordinate bench of this Hon'ble High Court, the Deputy Commissioner, South Andaman District given a full opportunity of hearing to the parties and finally decided the case with the following terms: -

"And, whereas, the documents placed on record shows that, based on the complaint of Mr. Tabrej Hussain, S/o Rahamat Hussain filed against the unauthorized demolition of public pathway by Shri K. Rama Rao and Smti Urmila Adhikari, the Tehsildar, Sri Vijaya Puram issued a Stay Order on 24th February, 2021 vide R.C. No. 271/TPB/2022 with the direction to Shri K. Rama Rao, Smt. Urmila Adhikari, Shri Tabrej Hussain, Shri Rahamat Hussain & other 03 parties to maintain status-quo till further order.

And whereas, as per record land bearing Sy. No.2531/2/9 area 96 Sq. Mtrs situated at South Point village is recorded as road. And on perusal o demarcation report, it has been observed that said road is occupied and obstructed the free movement by the following tenants:-

- 1. Smti Urmila Adhikari , 0.0011 hecets (11 Sqm)*
- 2. Shri Tabrez Hussain, 0.0005 hecets (5 Sqm)*

And whereas, the act of above-mentioned occupants attracts the violation of section 104 of ANI LR & LRR 1966, which

says that "if the Tehsildar finds that may any obstacle impedes the free use of a recognized road, path or common land of a village he may order the person responsible for such obstacle to remove it, and, such person fails to comply with the order may cause the obstacle to be removed and may recover from such person the cost of removal thereof."

Now therefore, in view of the above, I, Arjun Sharma, IAS, Deput, Commissioner, South Andaman, hereby direct the Tehsildar, Sri Vijaya Puram, to remove the obstructions from the recorded path under Section 104 of the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation, 1966.

Let a plain copy of this order be served upon the Writ Petitioner, Private Respondent Mr. Tabrej Hussain, S/o Rahamat Hussain, R/o South Point village, Assistant Commissioner, South Andaman Tehsildar, Sri Vijaya Puram and the Govt. Pleader, Court Complex, Sri Vijaya Puram."

Despite passing such order in the month of June 2025, the said order has not been implemented by the concerned authority as yet.

Learned counsel appearing on behalf of the respondents submits that they are ready to comply with the direction passed by the Deputy Commissioner.

On the other hand, learned counsel appearing on behalf of the private respondent has submitted that he has not filed any appeal against this order. One civil suit is pending, but he has not placed any documents, neither submits any stay order passed by any Court or authority against the said impugned order.

The prayer is innocuous; therefore, it is useless to keep this writ petition pending any further.

The Tehsildar, Sri Vijaya Puram is directed to take appropriate steps to comply with the order passed by the Deputy Commissioner, South Andaman District on 09.06.2025 in accordance with law if there is no impediment or stay of impugned order from any corner.

With the above observation, the writ petition being WPA/76/2026 is disposed of.

As this Court has not called for any affidavits, all the allegations, whatever, made in the writ petitioner are deemed not to have been admitted by the respondents.

(Ajay Kumar Gupta, J.)