

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

WPA/80/2026

Shri Sunil Bairagi

Vs

The Sub Registrar and Another

Ms. Vinita Devi ... for the petitioner

Ms. Babita Das ... for the respondents

February 25, 2026
[AKB]
Item No. 3

The writ petitioner seeks a direction upon the authorities to permit the writ petitioner to register a sale deed dated 11.11.2025 in respect of his owned land bearing Survey No. 444/1 measuring an area of 0.7160 Hactares situated at Madhupur Village, Digilpur Tehsil, Norther and Middle Andaman District without insisting on any documents other than those required under the Registration Act.

Learned advocate appearing for the writ petitioner submits that, the petitioner is the recorded tenant of the land bearing Survey No. 441/1, Measuring an area of 0.3800 Hectares, classified as Hilly Land, Survey No. 441/2, Measuring an area 0.0300 Hectares, classified as house site, Survey No. 444/1, measuring an area 0.7160 Hectares, classified as Hilly Land and Survey No. 451/1, Measuring an area 0.8574 hectares, Classssified as P-I. Petitioner now wants to sell land being Survey No. 444/1, measuring an area 0.7160 Hectares. Petitioner presented a deed of sale for registration which such deed of sale was returned on the ground that, the deed violates

section 159(2)(i) of the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation, 1966.

Administration is represented.

Learned advocate for the Administration submits that, a necessary direction may be passed as similar as Co-ordinate bench passed earlier on April 10,2024 in WPA No. 685/2022 as because Petitioner possessed less than two hectors of the land in total.

Moreover, petitioner owns other immovable property and the petitioner needs to sale one of the survey lands out of four surveys of his property. Cumulatively all the properties aggregate to less than two hectors.

In such circumstances, Sale in respect of land owned by the petitioner was allowed to be registered by the Administration.

Justification for allowing registration of such sale in favour of the petitioner was that in aggregate, immovable property was sold in excess of two hectares. Now, the petitioner is owner of four immovable properties at the same locations below two hectares.

In my view, in the facts of the present case, section 159 of the Regulation of 1966 cannot be read to mean that, the petitioner cannot sale one of the immovable properties in its entirety to a party of the choice of the petitioner. Petitioner is selling one of the immovable property out of the four immovable properties, which are located within the same locality, to a party of the choice of the petitioner. Section 159 and also the policy

decision of the Administration, as emanating from the writing dated December 12, 1996 taken in terms of the order of High Court passed in CO No. 102 of 1996 does not impede the registration of such sale.

In such circumstances, the registering authorities, in the facts of present case, is directed to register the sale deed presented for registration by the petitioner without insisting on the occupancy report from the Administration within a period of six weeks from date.

WPA/80/2026 is disposed of accordingly without any order as to costs.

(Ajay Kumar Gupta, J.)