



**IN THE HIGH COURT AT CALCUTTA**

CIVIL APPELLATE JURISDICTION  
[CIRCUIT BENCH AT PORT BLAIR]

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**PRESENT: THE HON'BLE JUSTICE SABYASACHI BHATTACHARYYA  
AND  
THE HON'BLE JUSTICE SMITA DAS DE**

**MAT/69/2026  
IA NO.CAN/1/2026**

*SHRI V.RAVICHANDRAN* ... APPELLANT

*VERSUS*

*SHRI. SANDEEP SINGH AND OTHERS* ... RESPONDENTS

For the Appellant : Mr. Gopala Binnu Kumar

For the respondents : Mr. V.D.Sivabalan

Heard on : April 22, 2026

Judgment on : April 23, 2026

**SMITA DAS DE, J.**

1. The instant appeal, preferred under clause 15 of the letters patent is directed against the order dated 06.02.2026 passed by the learned Single Judge in WPA No. 26 of 2026 whereby, while relegating the appellant to the statutory appellate remedy, certain observations have been made which allegedly have a cascading effect on the rights of the appellant.

2. The appellant herein is respondent No.3 in the writ petition being No. WPA No. 26 of 2026 wherein the learned Single Judge has passed an order dated 06.02.2026 directing, *inter-alia*, the respondent No.2



(being the respondent No.3 herein) to dispose of the appeal preferred by the respondent No.3/appellant within a period of 12 weeks after condoning the delay, if any, and to pass an informed order in accordance with law upon affording opportunity of hearing.

3. Learned counsel appearing for the appellant submits that although the learned Single Judge relegated the appellant to the statutory appeal, but proceeded to make observation on the merits of the demolition order, which prejudices the appellant's case before the appellant authority.

4. It is submitted that the learned Single judge observed that the demolition order shall stand affirmed and the municipality shall take steps for implementation in the event the appeal is dismissed. Such an observation amounts to affirming the demolition order on merits, thereby rendering the statutory appeal illusory.

5. It is further submitted that the learned Single Judge failed to consider the preliminary issue of *locus standi* of respondent No. 3 being the petitioner in WPA 26 of 2026. The said respondent No.3 is a stranger to the land bearing Survey No. 19/1 measuring an area of 0.0480 hectare situated at village Austinabad, under Sri Vijaya Puram Tehsil, District of South Andaman and has no proprietary interest therein. A writ at the instance of such a person is not maintainable.



6. It is contended that the learned Single Judge failed to adjudicate the twin issues involved herein i.e. challenge thrown to the order of demolition and the maintainability of the writ petition.

7. The appellant relies upon the judgment of the Division Bench of this Court in the case of **Ramzan Ali & Another-vs-The Administrator (LG), A & N Islands & Others** and prays for modification of the impugned orders to the extent of expunging the prejudicial observation.

8. The specific portion sought to be modified is reproduced below:-

*“In the event, the respondent No.2 dismisses the appeal and the demolition order in question stands affirmed, the municipality shall take steps for implementation of the demolition order after the period granted for preferring second statutory appeal expires and no appeal is filed and no stay order is passed within that period.*

*In the event, the appeal succeeds, naturally there will be no demolition order to be implemented”.*

9. The respondent submits that the observations are consequential in nature and do not decide the merits of the appeal. The learned Single Judge has only clarified the legal consequence that would follow whether the appeal shall be dismissed or succeed.

10. After hearing the rival contentions of the parties and upon perusing the relevant records this Court finds that the appellant has been able to made out a strong case. Since the observations made by the learned Single Judge to the effect that the demolition order “shall stands affirmed upon dismissal of appeal”, may be construed as a finding on merits.



11. It is settled law that when a Writ Court relegates a party to an alternative remedy it should refrain from making observations on merits which would influence the statutory authority as held in **Tinplate Company of India Ltd. vs State of Bihar** reported at **(1998) 8 SCC 272**. The extraneous observations in the impugned order creates a cascading effect, prejudicing the independent mind of the respondent authorities.

12. Moreover, the learned Single Judge, having himself doubted the *locus standi* of the writ petitioner, ought not to have gone into pass extensive observations prejudicing the right of the appellant.

13. Accordingly the appeal being MAT/69/2026 and the connected application being CAN/1/2026 are disposed of with the following directions.

14. The observation made in the order dated 06.02.2026 passed in WPA/26/2026 as quoted in paragraph No.8 above, is hereby expunged.

15. The respondent No.3 being the statutory appellate authority shall dispose of the appeal preferred by the appellant against the demolition order No. 3699 dated 18.08.2021 within a period of twelve weeks from date after condoning the delay, if any, and after affording an opportunity of hearing to all the parties.

16. Respondent No. 3 shall decide the appeal independently on its own merits and in accordance with law without being influenced by any



observations made by the learned Single Judge in the order dated 06.02.2026 or by this Court.

17. It is made clear that this Court has not expressed any opinion on the merits of the demolition order or the legality of the construction.

18. There will be no order as to costs.

19. Urgent Photostat certified copy of the judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

**(SMITA DAS DE, J.)**

**I agree**

**(SABYASACHI BHATTACHARYYA, J.)**