

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

\*\*\*

**WPA/209/2025**

Shri Tabrez Hussain  
Vs

The Andaman & Nicobar Administration & Ors.

Mr. C.Mano  
*(on behalf of Mr. K.M.B.Jayapal)*

... for the petitioner

Mr. Rakesh Kumar

... for the Administration

Mrs. Anjili Nag, Sr. Adv.  
Ms. Sohini Biswas  
Mr. Deb Kumar Bawali

... for the private respondents

April 20, 2026  
[AKB]  
Item No.16

1. The main grievance of the petitioner pertains to the inaction of the Secretary, Port Blair Municipal Council, respondent No.2 herein, in implementing and executing the order for demolition i.e. the impugned order herein being No. 5093 dated 01.08.2017.
2. The petitioner has already made a representation dated 04.05.2017, however, the same remains pending for consideration.
3. In the meantime the respondent No.3 being the private respondent, has filed an appeal before the appellate authority seeking stay of the operation of the order dated 01.08.2017. On the ground that said order has been passed *ex parte* without affording opportunity of hearing to the said respondent No.3.
4. In this context the petitioner vehemently opposes the same and submits that sufficient opportunity of hearing has

been afforded to the respondent No.3 and the same has been recorded in order No. 5093 dated 01.08.2017.

5. The petitioner submits that an application for execution has already been filed before respondent No.2, but owing to the pendency of the appeal filed before the appellate authority, the same has been kept in abeyance.

6. In conspectus of the above, the petitioner has been able to make out a *prima facie* case and this Court finds that interference is warranted at this stage.

7. Having heard the parties and upon perusing the records, I am of the considered opinion that since the appeal has been filed by the private respondent before the appellate authority on 16<sup>th</sup> June, 2025 and still remains pending for a considerable period of time, I direct the appellate authority to dispose of the appeal within a period of eight weeks from the date of communication of this order and to pass a reasoned order in accordance with law upon affording an opportunity of hearing to the petitioner and respondent No.3 and other stakeholders, if any, and communicate such decision within a week thereafter.

8. The writ petition is disposed of without going into the merits of the case.

9. Urgent photostat certified copy of this order, if applied for, is to be given to the parties on priority basis on compliance of all legal formalities.

**(Smita Das De, J.)**