

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

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**WPA/165/2026**

Shri Baby Mathew

Vs

The Andaman & Nicobar Administration & Ors.

Ms. G. Mini ... for the petitioner

Ms. Babita Das ... for the respondents

April 20, 2026  
[AKB]  
Item No.3

1. The main grievance of the petitioner is with regard to the inaction of the respondent authorities in not sub dividing the joint recorded land.

2. The petitioner has already filed a writ petition being WPA/412/2024 for disposal of the representation dated 26.04.2013 which remained pending for consideration. Writ petition has been disposed of on 07.08.2024 by the Coordinate Bench of this Court with the following direction:

*“The instant Writ Petition is disposed of giving a direction to the Deputy Commissioner viz. the Respondent no.2 to pass final order of sub-division of the plot of land in question in AI (SA) RC No. 297/ 14, if not done and shall communicate the order to the Writ Petitioner preferably within a period of two months.”*

3. Subsequently, in alleged noncompliance of the order dated 07.08.2024, the Settlement Commissioner passed an order on 10.09.2025 which is the subject matter of challenge in the instant writ petition. Thereafter the petitioner filed a review application which also remains pending for consideration.

4. The learned advocate for the petitioner submits that pursuant to the order dated 07.08.2024 the respondent

authorities have already stated that the proposal for sub division of the joint recorded land, which has been submitted for that purpose, has been on the verge of completion, and such sub division has already been approved way back in 2014.

5. Learned counsel appearing for the respondent authorities submits that the said order is an appellable order under Section 28 Sub Section (1) clause (e) which is reproduced below:-

*“28 (1) Save as otherwise provided in this Regulation, an appeal shall lie from every original order passed under this Regulation or the rules made thereunder:-*

*(a)... ..*

*(b) ... ..*

*(c) ... ..*

*(d) ... ..*

*(e) if such order is passed by Settlement Officer, whether exercising the powers of Settlement Officer or the powers of a Deputy Commissioner in connection with any settlement operation, to the Settlement Commissioner.*

6. It is further submitted that the impugned order does not suffer from any legal infirmity and has been passed in accordance with law.

7. Having heard the parties and upon considering the materials on records, I am of the view that despite there being a direction upon the Deputy Commissioner (South Andaman) vide order dated 07.08.2024, the Deputy Commissioner has overreached his power by delegating to the Settlement Commissioner the task of considering and disposing of the representation filed by the petitioner. Such act of abdication of duty by the Deputy Commissioner is highly deprecated and warrants the interference of this Court at this stage.

8. In view of the above, the order dated 10.09.2025 is quashed and set aside. I direct the Deputy Commissioner (South Andaman), respondent No.2 to consider and dispose of

the representation dated 26.04.2013 along with the proposal map and all connected records, afresh without delegating the same further to the subordinate authorities, within a period of sixty days and pass a reasoned order in accordance with law upon affording an opportunity of hearing of the petitioner and other stakeholders, if any, and communicate such decision within a week thereafter.

9. However, it is made clear that since the approval is stated to have already been made in the year November, 2014 and upon perusal of the said records, if the concerned authority, i.e. Deputy Commissioner (South Andaman) is satisfied that the sub division has been approved, he shall forthwith take necessary steps to mutate/correct the records in accordance with law.

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

11. 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.)**