



IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

CIRCUIT BENCH AT PORT BLAIR

PRESENT: HON'BLE JUSTICE PARTHA SARATHI SEN

WPA/177/2026

SHRI. GOPAL MONDAL

... PETITIONERS

Versus

THE LIEUTENANT GOVERNOR AND OTHERS

... RESPONDENTS

For the Petitioner : Mr. Ananda Halder

For the respondent Nos. 1,2 &3 : Ms. Babita Das

For the respondent Nos. 4, 5 & 6 : Mr. Rakesh Kumar

Heard on : 06.08.2026

Judgment on : 06.08.2026

PARTHA SARATHI SEN, J.

1. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ/writs against respondent authorities more specifically against respondent No.3 authority commanding him to cancel and set aside the recording of the name of the Police Department in respect of land bearing survey No. 5/2 situated at Yeratalzig (Phooltala) village, under Rangat Tehsil, Middle Andaman



District and record the same in the name of the writ petitioner and the private respondent Nos. 7 and 8.

2. At the time of hearing, learned advocate appearing on behalf of the writ petitioner submits before this Court that originally the land bearing survey No.5 measuring about 2.02 hect. in the aforementioned village was allotted in the name of Sarat Mondal, since deceased, the predecessor-in-interest of the present writ petitioner and the private respondent No.7 and 8. It is submitted that since the said land and the contiguous land being survey No. 6 in the said village was surrounded by Jarawa Tribes, a decision was taken from the Administration to setup a police outpost, however, with the passage of time the idea of setting up of police post was abandoned.

3. It is submitted by Mr. Ananda Halder, learned advocate appearing for the writ petitioner that from page No. 21 of the instant writ petitioner it would reveal that the predecessor-in-interest of the writ petitioner and the private respondents namely; Sarat Mondal's name was recorded in respect of survey No. 5 and from the selfsame copy of the Record of Right as available at page No. 21 of the writ petitioner, it would reveal that an area of 1250 Sq.mtrs. was bifurcated from the original survey No.5 and the predecessor-in-interest of the writ petitioner and the private respondent's land was renumbered as 5/1 whereas the bifurcated land was renumbered as 5/2 which would be evident from page no. 23 of the instant writ



petition wherein it has been recorded that the land bearing survey No. 5/2 and 6/2 of the said village was allotted infavour of the police department for construction of Bush Police Out Post. It is submitted that since the idea of setting Bush Police Out Post in the said village was abandoned due to change of situation the villagers of the said village including the writ petitioner and the original recorded owner of the survey No.6 subsequently renumbered as 6/1 requested the police authorities to return the alleged surrendered land in faovur of them.

4. It is submitted that since the land of the contiguous owner being survey No. 6/1 (originally survey No. 6) was not returned, the recorded owners of the survey No. 6/1 approached a Coordinate Bench of this Court by filing WPA/838/2023 with a prayer for return of the land bearing survey No. 6/2 which was, however disallowed.

5. It is submitted by Mr. Halder that challenging the judgement dated 24.06.2024 as passed by a Coordinate Bench in WPA/838/2023 the co-sharers of survey No. 6/1 preferred a writ appeal before the Division Bench of this Court being MAT/53/2024 which came to be disposed of on 28.02.2025, whereby and whereunder the said Division Bench while allowing the said appeal directed that the demarcated land measuring about 0.1252 hectes. under survey No. 6/1 shall remain recorded in favour of the writ petitioners/appellants.



6. It is submitted by Mr. Halder that from page No. 23 of the instant writ petition it would reveal that 0.1250 hecets. of land each in plot bearing survey No. 5/2 and 6/2 was allotted to the police department on being surrendered by the recorded owners of the original plot holders being Sarat Mondal (the predecessor-in-interest of the writ petitioner and the private respondent and one Sumanta Biswas the predecessor-in-interest of the appellants in MAT/52/2024.

7. It is thus submitted by Mr. Halder that in this writ petition the writ petitioner is seeking parity with the recorded owners of the plot No. 6 subsequently renumbered as 6/1 in the said village.

8. *Per contra*, Ms. Babita Das learned advocate appearing on behalf of the respondent Nos. 1 to 3 in course of her submission also places her reliance upon page No. 21 of the instant writ petition being a copy of the Record of Rights in respect of survey No. 5/1. It is submitted that from the copy of the said Record of Right it would reveal that survey No. 5/1 was recorded in the name of Sarat Mondal, since deceased, the predecessor-in-interest of the present writ petitioner.

9. It is, however, submitted by Ms. Das that in MAT/53/2024 the case of the writ petitioners/appellants was that they are recorded owner of survey No. 6/1 and a portion thereof has been recorded in the name of the police department and re-numbered as survey No.



6/2. Drawing attention to page No. 24 and 25 of the instant writ petition it is submitted by Ms. Das that from the Record of Right it would reveal that the plot No. 5/2 is already recorded in the name of the State over which the writ petitioner cannot claim any ownership especially when it is the specific admission of the writ petitioner in their letter dated 09.06.2011 (annexure P-3) that the said land has been surrendered by the predecessor-in-interest of the petitioner and the private respondent. It is thus submitted by Ms. Das that by no stretch of imagination the present petitioner could have any claim over a government land bearing survey No. 5/2.

10. While adopting the argument of Ms. Das, Mr. Rakesh Kumar, learned advocate appears on behalf of the police department being the respondent Nos. 4 and 5 draws attention of this Court to page No. 8 and 9 of the affidavit-in-opposition as filed on behalf of the police department.

11. It is submitted by Mr. Rakesh Kumar that from the said two pieces of paper it would reveal that the present writ petitioner is the encroacher in the government land being survey No. 5/2. It is further submitted by Mr. Rakesh Kumar that the writ petitioner is not entitled to the reliefs as prayed for.

12. This Court has meticulously perused the entire materials as placed before it. This Court has given it is due consideration over the submissions of the learned advocates for the contending parties.



13. In considered view of this Court for effective adjudication of the instant *lis* the relevant portion of the proceeding as enclosed with the instant writ petition at page No. 23 is required to be looked and the same is quoted herein below in verbatim:

“1038 Yertalzig The land bearing Sy. No. 5/2 and 6/2 area 0.1250 and
24/06/2021 0.1250 ha situated at Yertalzig village renumbered in
 terms of Government revenue land as Form ‘AN’
 (surrendered by Sumanta Biswas and Sarat Mondal) is
 allotted in favour of Police Department for construction of
 Bush Police out post at Yertalzig No. 9 (Kadamtala).”

14. On perusal of the minutes of the said proceeding it appears to this Court that the competent authority in the said proceeding recorded that land bearing Survey No. 5/2 and 6/2 having an area 0.1250 hecets. each situated at the said village stood recorded in favour of the government revenue land on being surrendered by Sumanta Biswas and Sarat Mondal and those surrendered lands have been allotted to the police department for construction of Bush Police Out Station.

15. Materials have been placed before this Court that before the learned Single Bench and the Hon’ble Division Bench the prayer of the writ petitioners/appellants in MAT/53/2024 was to set aside the recording of the survey No. 6/2 in the name of police department as has been set apart out of the land being survey No. 6/1 and in the said writ appeal it was the further case of the appellant that originally the said appellants’ predecessor-in-interest namely;



Sumanta Biswas was allotted a land bearing survey No. 6 in the selfsame village and on account of demarcation of the said allotted land in favour of the police department, the alleged surrendered land was renumbered as 6/2 while remaining portion of the land was renumbered as 6/1.

16. On perusal of the judgement of the Hon'ble Division Bench in MAT/53/2024 (Smti. Renuka Biswas and others vs. The Lieutenant Governor and others) it appears that Hon'ble Division Bench while disposing the said writ appeal found that the alleged surrender by the recorded owner of the survey No. 6 is not in accordance with law and thus directed that the set apart land measuring about 0.1250 hects. shall remain recorded in the name of the appellants being the part and parcel of survey No. 6/1.

17. Though in course of their submission Ms. Das, learned Advocate for the Administration and Mr. Rakesh Kumar, learned advocate for the police department strongly contended that the survey No. 5/2 was recorded in the name of the Administration and never formed part and parcel of survey No. 5/1 or survey No.5, however, on conjoint perusal of page No. 21 being a copy of the Record of Right and page No. 23 being a copy of Minutes of the proceeding recording surrender and recording of survey No. 5/2 and 6/2 it appears that the case of the present writ petitioner is identical with the case of the appellants in MAT/53/2024 in view of the fact



from page 21 and 23 of the instant writ petition it would reveal that from the land of the predecessor-in-interest of the present writ petitioner and the private respondent i.e. Sarat Mondal 12.50 Sq.mtrs of land was set apart and renumbered as 5/2 whereas the remaining portion of the land has been numbered as 5/1.

18. In view of such this Court finds sufficient parity in respect of the claim of the writ petitioner with the prayers made by the appellants in MAT/53/2024.

19. It is further pertinent to mention herein that in the affidavit-in-opposition of the police department a sketch map has been given at page No.9 wherein this Court finds existence of survey Nos. 5/1, 5/2, 6/1 and 6/2 but this Court finds no whisper of original survey No. 5 and 6 in such map.

20. In view of such this Court is constrained to hold that survey No. 5/2 and survey No. 5/1 came into existence after setting apart 0.1250 hectcs. of land from original survey No.5.

21. In view of such the instant writ petition succeeds.

22. Consequently the respondent No. 3 authority is directed to record the 0.1250 hectcs. of land in survey No. 5/2 situated at Yeratalzig (Phooltala) village, under Rangat Tehsil, Middle Andaman District in the names of the writ petitioner and the respondent Nos. 7 and 8 by making necessary correction in the Record of Rights.



23. The entire exercise as indicated hereinabove shall have to be completed by respondent No. 3 authority within 30 (thirty) working days from the date of communication of the server copy of this judgement.

24. The time limit as fixed by this Court is peremptory and mandatory.

25. WPA/177/2026 is thus allowed and disposed of.

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

(PARTHA SARATHI SEN, J.)