



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

PRESENT: THE HON'BLE JUSTICE DEBANGSU BASAK

AND

THE HON'BLE JUSTICE AJAY KUMAR GUPTA

MAT/30/2025

THE ANDAMAN AND NICOBAR
ADMINISTRATION AND OTHERS ... APPELLANTS

VS.

K. RAMACHANDRAN ... RESPONDENT

For the Appellants : Ms. Babita Das

For the Respondent : Ms. G. Mini

Heard on : February 26, 2026

Delivered on : February 26, 2026

DEBANGSU BASAK, J.

1. Appeal is at the behest of the Administration and directed against judgment and order dated March 3, 2025 passed in WPA 510 of 2024.

2. By the impugned judgment and order, learned Single Judge directed the authorities to regularize encroachment of the private respondent in respect of plot bearing survey no. 203 measuring more



or less 01 hectares situated at Teylerabad village, District South Andaman.

3. Learned advocate appearing for the appellant submits that, the claim for regularization made by the private respondent is without any basis. She submits that in 1987, a scheme for regularization was floated for regularizing encroachers who encroached upon government property prior to 1978. She submits that, the private respondent never produced any document to substantiate the claim for encroachment prior to 1978.

4. Learned advocate appearing for the appellant submits that, the learned Trial Judge, erred in accepting the contention of the private respondent that, the encroachment was pre-1978 and was therefore covered under the 1987 Scheme. Moreover, she submits that, the documents which the private respondent sought to rely upon in support of such claim are all suspect. There are disputed questions of facts involved which a writ Court need not enter into.

5. Learned advocate appearing for the appellant submits that, the learned Trial Judge erred in failing to appreciate that, the scheme of 1987 was no longer in force, when the private respondent actually made the representation.



6. Learned advocate appearing for the respondent submits that, the initial application for regularization was made by the father of the respondent. She submits that, the father of the respondent was a government employee. Father of the respondent encroached upon the subject land prior to 1978. She draws the attention of the Court to the notice received by the father of the respondent under Regulation 202 of the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulations, 1966 dated July 5, 1978. She submits that, therefore, the father of the respondent was acknowledged to be an encroacher prior to 1978.

7. Learned advocate appearing for the respondent, draws the attention of the Court to the order passed by the High Power Committee dated July 12, 1989 and submits that, the father of the respondent was acknowledged to be an occupier of the subject property during the year 1978.

8. Learned advocate appearing for the respondent submits that, the Tehsildar, fixed the date for inspection of the land on July 12, 1989. On such date, the father of the respondent along with his family members were in mainland. She draws the attention of the Court to the leave application dated November 24, 1989 submitted by the father of the respondent as the Peon of the Registrar of the Cooperative Society.



9. Learned advocate appearing for the respondent submits that, father of the respondent expired on February 16, 2020. Prior thereto, the father of the respondent made several representations. Even subsequently the respondent made various representations.

10. Learned advocate appearing for the respondent draws the attention of the Court to the Register of Encroachment on Government land. She submits that, the name of the father of the respondent was entered in such Register as an encroacher of the subject land. Such entry was made on November 20, 1975.

11. In reply, learned advocate appearing for the appellant submits that, the so called notice under Section 202 of the Regulations of 1966 is illegible. It does not establish the occupation of the father of the respondent in the subject plot.

12. Referring to the order dated July 12, 1989, learned advocate appearing for the appellant submits that, the High Power Committee in fact did not recommend the case of the father of the respondent as, nobody was found on the subject plot at that point of time. She refers to the noting in such order and submits that, the father of the respondent was found to abandon the subject land subsequent to entry therein in 1978.



13. Learned advocate appearing for the appellant submits that, the Register of Encroachment on Government land which purports to record such entry, is a disputed document. She refers to the subsequent pages and submits that, there are two serial numbers 613 in such Register. The first entry of 613 is in the name of the father of the respondent while the next 613 is in the name of a different person. She points out that the handwriting appearing in the page and submits that, the entries so far as the father of the respondent is concerned, is suspect.

14. In 1987, Administration formulated a scheme for regularization of Pre-1978 encroachers. The cut off date prescribed in the scheme is December 31, 1978. That an application under such scheme was made by the father of the respondent is undisputed. Entitlement of the father of the respondent to regularization is in issue.

15. In order to sustain the claim for regularization under the 1987 Scheme, an applicant is required to establish that encroachment was made prior to the cut off date being December 31, 1978. In support of such claim, the respondent produced, a notice of eviction under Regulation 202 of the Regulations, 1966 dated July 5, 1978, a finding of the High Power Committee dated July 12, 1989 that, the father of the respondent encroached the subject land during 1978, leave application dated November 24, 1989 to establish that, the father of



the respondent applied for leave and was not available in the Islands on July 12, 1989 and the entry in the Register of Encroachment on government land.

16. Register of Encroachment on Government land at serial number 613 contains an entry dated November 20, 1979 to show that, the father of the respondent encroached on the subject plot sometime in 1978.

17. The Register of Encroachment on Government land, is a document of the appellant. It is for the appellant to establish the entry therein is not correct. There is no material on record to establish such fact before us.

18. A notice dated July 5, 1978 under Section 202 of the Regulations of 1966 was issued to the father of the respondent for vacating the subject land. It is the claim of the appellant that the notice is illegible. Significantly, it is not the claim of the appellant that no notice under Regulation 202 of the Regulations of 1966 was ever issued to the father of the respondent.

19. That, an application under the 1987 Scheme was made by the father of the respondent is acknowledged and admitted. Acting on the basis of such an application, a date for spot inspection was fixed on July 12, 1989.



20. There is an order dated July 12, 1989 of the Tehsildar noting that, there was a list prepared of the encroachers on government land prior to December 31, 1978. Father of the respondent figures in such list as an encroacher. Spot inquiry notice in respect of such encroachers, was scheduled to be held on July 12, 1989 by the same order.

21. Spot inquiry was held on July 12, 1989 when, the father of the respondent was not found although, it was acknowledged that, the father of the respondent encroached upon the subject land.

22. Pages 39 to 48 of the paper book, being the proceedings before the Tehsildar in 1989 and of the High Power Committee of the same period, allows only one plausible inference that is, the father of the respondent encroached upon the subject land, prior to December 31, 1978, and therefore, is governed by the Scheme of 1987.

23. The documents noted above, independently and cumulatively establish that the father of the respondent was an encroacher of the subject land prior to December 31, 1978.

24. Absence of the father of the respondent or his family members on July 12, 1989 when spot inquiry was made, is adequately explained by the leave application dated December 24, 1989. As an employee of a Cooperative Society, father of the respondent was at the



mainland along with his family members at the relevant period of time.

25. Physical absence at the spot, of the father of the respondent, on July 12, 1989 should not be construed to be fatal to the claim of the respondent, in the facts and circumstances of the present case.

26. Claim made by the respondent is in continuation of the claim made by the father of the respondent. Claim of the respondent falls within the scheme of 1987 as the original claim was so.

27. In such circumstances, we find no ground to interfere with the impugned judgment and order.

28. **MAT/30/2025** is disposed of without any order as to costs.

(DEBANGSU BASAK, J.)

29. I agree.

(AJAY KUMAR GUPTA, J.)