

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(CIRCUIT BENCH AT PORT BLAIR)**

Present:

The Hon'ble Justice Ajay Kumar Gupta

WPA 266 of 2024

Smti. Surina Roy

Versus

The Andaman and Nicobar Administration and Others

For the Petitioner	:	Mr. K.M.B Jayapal, Adv. Mr. C.Mano, Adv.
For the Administration	:	Ms Babita Das, Adv.
For the Private Respondent	:	Mr. Arul Prasanth, Adv. Mr. Dolly Saha, Adv
Heard on	:	23.02.2026
Judgment on	:	25.02.2026

Ajay Kumar Gupta, J:

1. The petitioner approached this Court by filing this instant writ petition seeking directionsinter alia as follows:

I. A Writ and/or Writs do issue in the Nature of Mandamus
Quashing and/or annulling and/or cancelling and/or

rescinding and/or setting aside proceeding vide RC No. 2685/2023/TPB Impugned pending before the Tehsildar, Port Blair Tehsil, Port Blair.

- II. A writ nature of Prohibition in the restraining the respondent authorities more particularly respondent No. 3 herein from giving effect and/or further effect to the adverse impugned detailed reports dated 12.02.2024 prepared in connection with RC No. 2685/2023/TPB.
- III. A writ in the nature of Mandamus directing the respondent authorities not to interfere with the possession of the writ petitioner in Survey No. 2335/1 at South Point village under Port Blair Tehsil, District of South Andaman.
- IV. Interim order staying the further proceeding Vide RC No. 2685/2023/TPB pending before the Tehsildar, Office of the Tehsildar, Port Blair, South-Andaman.
- V. Rule NISI in terms of Prayer(i), (ii) and (iii) abovementioned.
- VI. Cost the present application;
- VII. To Pass Such Other or further order or Orders, direction or Direction do issue as this Hon'ble Court may deem fit and proper.

2. The brief facts relevant for the purpose of disposal of this writ petition are that the writ petitioner herein is the joint tenant of 'abadi land' in Survey No. 2335/1 measuring an area of 785 sq.mtrs. classified as 'House Site' situated at Village South Point under Port Blair Tehsil, District of South Andaman (in short 'the said land') with her brother.
3. The adjacent plot holder, namely Sanjoy Tiwari, is the recorded tenant of the land in survey No.2335/2 measuring an area of 8000 sq.ft. at South Point Village. He had filed a civil suit against the petitioner and her brother, claiming recovery of Khas possession of a portion of land to the extent of 83 sq.mtrs. After a full-fledged trial, the suit was dismissed on July 25, 2022. No appeal was preferred against the said judgment and decree; as such the said judgment and decree have reached to its finality.
4. Due to ill motive and in order to harass the petitioner, the Sanjay Tiwari, Private respondent made an allegation and approached the office of the Tehsildar, Port Blair Tehsil for demarcation of land of the respondent suppressing the fate of earlier suit pending between the parties, and its final decision.
5. On the basis of such prayer of the respondent, the Tehsildar, without any authority, issued the impugned notice vide RC No.

2685/TPB, thereby a scheduled date was fixed for demarcation on January 4, 2024.

6. The petitioner obtained a certified copy of the report and came to learn that the petitioner was identified and found to be in possession of an area of 20 sq.mtrs. in survey No. 2335/2/2, along with her brothers
7. It further transpires from the report that the petitioner and her brother were found to have unauthorised occupation of land to the extent of 126 sq.mtrs. in survey No. 2335/2, and denoted that the petitioner and her brother were the unauthorised occupants of the recorded land of the private respondent. No demarcation was ever executed by the Tehsildar, Port Blair tehsil or his subordinate revenue officer in the presence of the writ petitioner either on January 4, 2024 or on any subsequent date, in connection with the land in survey No. 2335/2 or land in survey No. 2335/2/2.
8. The writ petitioner has issued an advocate notice upon the Tehsildar, indicating that he had held that the petitioner and her brothers are encroachers of land, even though the civil court has already decided the issue involved with the aforesaid property and dismissed the same. There is some vested interest, more particularly, the tehsildar is acting in active connivance with the private respondent to disturb

the possession of the writ petitioner from the said land, and his fundamental right as guaranteed under the Constitution of India is at stake and in the event the present writ is not allowed, the writ petitioner would suffer badly. Hence, this writ petition.

9. The learned counsel appearing on behalf of the Administration has submitted that the tehsildar has ample power to demarcate the land of the tenants under the Government if someone approaches him on the basis of possession and Record of Right. He has further submitted that the land can be demarcated as per the main survey map and physical verification, and if someone is aggrieved by his action or order, then there is a specific provision for filing an appeal under the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation, 1966 (in short 'the said regulation'). He finally submitted that the writ petition does not lie against the notice or order of demarcation as such same is liable to be dismissed being not maintainable.
10. Learned counsel appearing on behalf of the Private Respondent also supported the submission made by the Learned counsel representing the Administration.
11. Having heard the arguments of the learned counsel representing the respective parties and on perusal of the materials available on the

records, this Court finds that the Tehsildar acted upon the prayer of the respondent for demarcation. The inspection and demarcation were done on the basis of the main survey Map and actual measurement, and also physical verification. It was found that some portion of the respondent was encroached upon by the petitioner and others. The report clearly indicated that the area was 126.00 sq.mtrs. from Sy No.2335/2 is under the physical occupation of the adjacent plot holder of the Respondent, Sri Ashok Kumar and others

12. It is further indicated in the report that an area of 20sq.mtrs. from Survey No. 2335/2/2 is under physical occupation of adjacent plot holder Sri Ashok Kumar and others. Similarly, some portion of the other survey numbers under the occupation of other persons are also mentioned.
13. This court is conscious that the earlier civil suit was pending between the present Petitioner and private respondent, and same was dismissed on July 25, 2022, but the Respondent further approached the Tehsildar for demarcation of land in the year 2023.
14. It is an admitted fact that the Respondent is the recorded tenant of 8000 sq.mtrs. He has a right under the regulation for seeking demarcation of his land from the Tehsildar. The Tehsildar has done his work under the purview of the said regulation. If the writ

petitioner has any grievances regarding his action or demarcation report, he may challenge the same in an appeal as provided under the said regulation.

15. In addition, the Writ Court cannot sit in appeal against the order/report of the respondent no. 3, and deal with the disputed question of facts of encroachment and/or physical occupation of the land in question. It is only to be considered a perversity, illegality or violation of principle of justice.
16. This court does not find any illegality or perversity; rather, an opportunity was given to the petitioner prior to the measurement and demarcation of the land in question.
17. In the above backdrop, there is no merit in the present writ petition. The writ petition, indeed, is not maintainable in law.
18. Accordingly, **WPA 266 of 2024** stands **dismissed** without any order as to costs.
19. Connected applications, if any, are also, thus, disposed of.
20. Interim order, if any, also stands vacated.
21. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Ajay Kumar Gupta, J)