
CO/34/2025

Smti. Indra Devi

V_S .

The Chief Secretary and another

Ms P.M Lall ... for the petitioner

Ms. Babita Das ... for the respondents

07.07.2025
[SR]
Item No.15

The petitioner challenged the order dated April 12, 2022, issued under Regulation 28(1)(d) of the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation, 1966, passed by the Deputy Commissioner, Andaman and Nicobar Administration, before the Secretary (Revenue), Andaman and Nicobar Administration.

It appears that a notification dated October 13, 1978, was issued by the Chief Commissioner's Secretariat, Andaman and Nicobar Administration, delegating to the Secretary (Revenue) the power to hear, *inter alia*, appeals against orders passed by the Deputy Commissioner under Regulation 28(1)(d) of the said Regulation.

The Secretary (Revenue) admitted the appeal. However, during the pendency of the appeal, the respondent before the Secretary (Revenue) filed a writ petition, being WPA/849/2023, challenging the jurisdiction of the Secretary (Revenue) to hear the appeal. It was contended that the Secretary (Revenue) could only assume jurisdiction to hear

such appeals after formal publication of the notification dated October 13, 1978, in the Official Gazette.

The said writ petition was allowed by a judgment and order dated February 26, 2025, passed by a Coordinate Bench of this Court.

By filing the present application, the petitioner seeks a direction upon the respondents to publish a notification in the Official Gazette authorizing the Secretary (Revenue) to hear appeals from orders passed by the Deputy Commissioner. The petitioner contends that, in the absence of such notification, he is being prevented from exercising his statutory right of appeal before the Secretary (Revenue).

Ms. Babita Das, learned advocate appearing for the Administration, submits that steps are being taken by the Administration for publication of the said notification in the Official Gazette. She further submits that some time would be required to complete the necessary formalities.

In view of the above, I do not find any reason to keep this application pending. The application is, accordingly, disposed of with a direction upon the respondents to take necessary steps for publication of the relevant notification in the Official Gazette—authorizing the Secretary (Revenue) to hear appeals against orders passed by the Deputy Commissioner under Regulation 28(1)(d) of the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation, 1966—within a period of three months from date.

With the above observations and directions, the application, being CO/34/2025, is disposed of accordingly.

(**Kausik Chanda, J.**)