

S/L 1
26.06.2025
Court. No. 19
Suvayan

**In the High Court at Calcutta
Circuit Bench at Port Blair**

WPA 293 of 2025

**Smti Amiya Bagchi
Vs.
The Andaman & Nicobar Administration & Ors.**

Ms. G. Mini

...for the petitioner.

Ms. Babita Das

...for the respondent nos. 1 and 2.

1. The writ petitioner and the respondents/Andaman and Nicobar Administration and its functionaries that is the respondent nos. 1 and 2 are represented by their respective Counsels.

2. It is submitted by Ms. Mini, learned Advocate appearing for the writ petitioner that though notice has been served upon the private respondent no. 3 but the track report shows that the service has not yet been affected.

3. In course of her submission Ms. Mini further submits that since Circuit Bench is not available now in Port Blair and since the same is scheduled to be commenced from June 30, 2025 and on account of extreme urgency she is constrained to approach this Court by filing the instant writ petition praying for interim stay of ongoing unauthorized construction over plot bearing Survey 132/2/2 of school line village under Sri Vijay Puram Tehsil, District – South Andaman.

4. In course of her submission Mr. Mini at very outset draws attention of this Court to page no. 17 of the instant

writ petition being a copy of the order dated 22.05.2025 whereby and whereunder the respondent no. 2/authority on the basis of a complaint made by the writ petitioner had called for a report from the Revenue staff and directed the private respondent to stop all construction activity till demarcation of the said survey plot in question.

5. It is, however, submitted by Ms. Mini that, however, all on a sudden on 12.06.2025 the respondent no. 2/authority vacated the earlier order of stay on the basis of a purported field verification without giving any opportunity of hearing to the writ petitioner and taking advantage of the same the private respondent is now making construction over the said survey plot.

6. It is thus submitted by Ms. Mini that considering the extreme urgency of the situation a stay order may be passed directing the private respondent no. 3 not to proceed with any further construction over the plot of land as supra.

7. Such contention is, however, opposed by Ms. Das, learned Advocate appearing on behalf of the respondent nos. 1 and 2. It thus submitted that no case has been made out by the writ petitioner for obtaining even an interim order of stay.

8. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties and keeping in mind

the urgency of the situation, this Court is inclined to allow the prayer for interim stay as made by the writ petitioner.

9. It is, thus, ordered that let there be a stay on any construction activity over the plot of land being Survey no. 132/2/2 of school line village under Sri Vijay Puram Tehsil, District – South Andaman till the last day of July, 2025 or till further order whichever is earlier.

10. Let the matter be placed before the available Circuit Bench on July 3, 2025 under the heading “Adjourned Motion”.

11. Learned Advocate for the writ petitioner is hereby directed to communicate the server copy of this order to the private respondent no. 3 by speed post and to file affidavit-of-service before the available Circuit Bench on the adjourned date.

12. Before parting with, it is further directed that respondent nos. 1 and 2/authorities shall ensure that the order as passed by this Court is duly implemented in letter and spirit.

(Partha Sarathi Sen, J.)