

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

WPA/301/2025

Shri. N. Kannappan

Vs.

The Tehsildar & Anr.

Mrs. Anjili Nag, Sr.Adv.
Mr. Adarsh Ilango ... for the petitioner

Ms. Babita Das ... for the respondents

July 07, 2025
[AKB]
Item No.3

The petitioner has filed the present application challenging the order passed by the Tehsildar, Sri Vijaya Puram Tehsil dated 31.12.2024 wherein the petitioner is directed to deposit the penalty amount to the Cashier, District Officer, South Andaman at the earliest and produce the copy of TR-5 before the undersigned. Till such time as the penalty amount is paid, stone crusher unit of the petitioner situated at Calicut village shall remain closed and the Tehsildar directed the Revenue Inspector of Circle No.5 and the Patwari Circle No.14 to close down the operation of the stone crusher unit with immediate effect until due fine amount is paid by the petitioner.

Simultaneously, the Member Secretary, Andaman & Nicobar Pollution Control Committee, Department of Science and Technology has issued a letter dated 29.01.2025 informing the petitioner that the suspension of the Consent

to Operate (CTO) issued for operating stone crusher unit at Calicut village, Sri Vijaya Puram, South Andaman is suspended.

Learned counsel for the petitioner submitted that the Deputy Commissioner, South Andaman District had passed an order on 18.10.2024 directing the petitioner to pay penalty amount shall be deposited with the Cashier, District Office, South Andaman within seven days from the date of receipt of the order. The TR-5 receipt for the deposition of the fine amount must be produced before the Tehsildar, Sri Vijaya Puram. In case of failure to comply the necessary entry shall be made in the Record of Rights (ROR) of the concerned holding of the violator, and fine amount will be collected as arrears of land revenue, as prescribed under the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulations, 1966.

Mrs. Anjili Nag, learned advocate appearing for the petitioner submits that the Deputy Commissioner has directed that if the petitioner failed to deposit the amount, necessary entry shall be made in the Record of Rights of the holding and the fine will be collected as the arrears of land revenue as prescribed under the Regulations. But ignoring the order passed by the Deputy Commissioner, the Tehsildar has passed the order directing the petitioner to pay penalty amount failing which the stone crusher unit situated at Calicut village will be closed and he directed the

concerned authority to close the operation of the stone crusher which is not within the jurisdiction of the Tehsildar.

She further submitted that the order passed by the Pollution Control Authority by suspending the license granted to the petitioner is also without the authority as the Deputy Commissioner has not pass any order either for closing the stone crusher unit or suspending the pollution control certificate issued by the concerned authority.

Mrs. Anjili Nag, learned senior advocate further submits that the petitioner has already preferred an appeal against the order passed by the Deputy Commissioner before the Appellate Authority and the same is pending before the Appellate Authority.

Per contra, Ms. Babita Das, learned Government Pleader submits that as the petitioner has failed to comply with the order passed by the Deputy Commissioner and as such the Tehsildar has passed the order for closing down the stone crusher unit.

She further submits as the Deputy Commissioner has passed the order accordingly in compliance of the order passed by the Deputy Commissioner, the Pollution Control Authority has suspended the certificate issued to the petitioner and as such no wrong is committed by the issuing of such orders.

Heard the learned counsel for the respective parties and perused the materials on records.

The Deputy Commissioner in its order dated 18.10.2024 has clarified that if the petitioner failed to deposit the amount within seven days, the amount will be recovered as arrears of land revenue as prescribed under the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulations, 1966. The Deputy Commissioner has not pass any order directing the Tehsildar for closing down the stone crusher unit and also not directed the Pollution Control Authority for suspension of the pollution control certificate issued by the authority in favour of the petitioner for running the crusher unit.

Considering the above this Court finds that the Tehsildar as well as the Member Secretary, Andaman and Nicobar Pollution Control Committee have passed the impugned orders without any authority by wrongfully interpreting the order passed by the Deputy Commissioner, South Andaman District. This Court also find that the petitioner has preferred an appeal and the appeal is pending before the appellate authority.

In view of the above the impugned order passed by the Tehsildar dated 21.12.2024 wherein the stone crusher of the petitioner has been closed down and the order issued by the Pollution Control Authority wherein the certificate has been suspended is stayed till the disposal of the appeal by the appellant authority.

In view of the above WPA/301/2025 is disposed of.

It is made clear if the appeal goes against the petitioner, the Tehsildar as well as the Pollution Control Authority shall be at liberty to take appropriate steps in accordance with law against the petitioner.

(Krishna Rao, J.)