

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

WPA/314/2025

Smti. Sugandhi

Vs.

The Andaman & Nicobar Administration & Others

Mr. K.M.B.Jayapal

Mr. C. Mano

... for the petitioner

Ms. Babita Das

... for the respondents

July 11, 2025
[AKB]
Item No.6

The petitioner has filed the present writ application praying for a direction upon the respondent authorities not to interfere and not to disturb the possession of the writ petitioner over the land bearing survey No. 98/2 measuring an area of 0.02 hectares situated at Lucknow village under Mayabunder Tehsil, North and Middle Andaman together with the erected mobile tower.

Mr. KMB Jayapal, learned advocate appearing for the petitioner submits that initially the Tehsildar, Mayabunder Tehsil had issued a notice in RC No. 365/TM/2023 dated 19.01.2024 under Regulation 202 of the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulations, 1966 on the allegation that the petitioner has occupied a government revenue land and the petitioner is directed to remove the structure within seven days from the date of issuance of notice.

Being aggrieved with the said notice, the petitioner has preferred a writ application being WPA/198/2025 and this Court by an order dated 09.04.2025 has disposed of the application by passing the following order:

“The order impugned has been issued in exercise of the authority under Regulation 202 of the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulations, 1966. The said Regulation itself provides an avenue to the person aggrieved to take steps towards institution of a suit.”

Mr. Jayapal submits after the order passed by the this Court on dated 09.04.2024, the petitioner had already filed a civil suit before the learned Civil Judge Senior Division at Mayabunder being Title Suit No. 31 of 2025 against the Andaman and Nicobar Administration including the revenue authorities and praying for declaration of right, title and interest and recovery of khas possession and permanent injunction.

Mr. Jayapal submits that the Tehsildar, Mayabunder Tehsil had issued the notice invoking the provision of 202 of Andaman and Nicobar Islands Land Revenue and Land Reforms Regulations, 1966 but the petitioner has already initiated a civil suit in respect of the said property and the petitioner has also inform the Tehsildar that the petitioner has filed the suit, but inspite of the same Tehsildar is trying evict the petitioner from the said property.

Mr. Jayapal relying upon the provision of Sub Regulation 8 of the Regulation 202 of the Andaman and

Nicobar Islands Land Revenue and Land Reforms

Regulations which reads as follows:

“(8) If notice of an intention to institute a suit is delivered to the Tehsildar, he shall desist from carrying out his order under sub-section [1] for a period of three months, and if such suit is filed within such period he shall stay his proceedings pending the decision of the civil court.”

By relying upon the said provision, Mr. Jayapal submits that the statute itself provides that if a civil suit is filed with regard to the land in question against which the Tehsildar has initiated a proceeding under Regulation 202, the Tehsildar cease to take any further action till disposal of the suit.

Ms. Babita Das, learned Government Pleader appearing for the Administration submits that the revenue authorities came to know that the petitioner has occupied the government revenue land and accordingly proceeding under Regulation 202 is initiated for eviction of the petitioner from the government revenue land. The petitioner has challenged the said notice before this Court and this Court has disposed of the said application by giving a liberty to the petitioner for institution of the suit. Now the petitioner has already instituted a suit and notice has been served to the authorities.

Ms. Babita Das has handed over a note issued by the Tehsildar, Mayabunder wherein Tehsildar has also mentioned that a suit is pending before the Hon’ble

Court of Civil Judge, Senior Division at Mayabunder with respect of the property in question, let the note be kept with the record.

Considering the above this Court finds that the Tehsildar has issued a notice to the petitioner by initiating of the proceeding under Regulation 202 of the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulations, 1966. After issuance of the said notice, the petitioner has initiated a civil suit being Title Suit No. 31 of 2025 (Sugandhi vs. Andaman and Nicobar Administration and others) before the learned Court of Civil Judge, Senior Division at Mayabunder with respect of the property in question.

Considering the submission made by the counsel for the respective parties and perused the materials on record and also the provisions of Sub Regulation 8 of Regulation 202 which provides that if notice of an intention to institute a suit is delivered to the Tehsildar, he shall desist from carrying out his order under sub-section [1] for a period of three months, and if such suit is filed within such period he shall stay his proceedings pending the decision of the civil court.

In the present case after the issuance of the notice by the Tehsildar under Regulation 202 the petitioner has initiated a suit and it was informed to the Tehsildar and as such Tehsildar is required to follow the statutory provisions provided under Sub Regulation 8 of the

Regulation 202 of the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulations, 1966.

Thus, Tehsildar /revenue authorities are hereby restrained from taking any action against the petitioner with respect of the suit property till the disposal of the suit. It is made clear that this Court only decided whether the authorities can take any action for eviction against the petitioner from the property in question inspite of filing of suit.

This Court has not decided the merit of the case.

This writ petition is disposed of at the motion stage and affidavit is not called for, allegations made therein are deemed to be denied.

(Krishna Rao, J.)