

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

WPA/323/2025

Shri. Daulat Ram

Vs.

The Deputy Commissioner and Others

Ms. Yasmeen Begum

... for the petitioner

Mr. V. D. Sivabalan

Mr. Arun S. Kumar

... for the respondent nos.1&2

Ms. R. Krithika

(on behalf of Ms. Supreet Sharma)

... for the respondent no.3

February 26, 2026

[AKB]

Item No.12

This writ petition pertains to disputes with regard to encroachment. The writ petitioner herein seeking direction to execute the eviction order dated 30.05.2025 passed by the Authority and submit report in respect of the landed property being Survey No./plot No. 1/P measuring about 0.50 hecets. situated at Haddipur village under Ferrargunj Tehsil.

It is the specific case of the petitioner that the petitioner is the recorded tenant of the aforesaid land. Private respondent encroached his land and he made an application before the Tehsildar. The Tehsildar without giving fair opportunity of hearing to the parties passed the following order *inter alia*:

“And whereas, the matter was heard and the respondent Shri Shyam Murthy, R/o Hobdypur stated that he is a Govt. servant working under the Forest Department as Mazdoor and he never ever committed any encroachment anywhere else within the area.

And whereas, protecting senior citizens is crucial for ensuring their safety, well-being, and dignity, Legal Protections; Laws exist to protect seniors from abuse and exploitation, including financial scams. It's essential to know your local laws and how they protect older adults. Advocacy: Supporting policies that protect the rights and health of seniors at local, state, and national levels is essential for ongoing protections. By focusing on these areas, we

can create a safer and more supportive environment for our senior citizens.

And whereas, the case falls under Section 98 (1) of LR & LRR, 1966 "when a boundary has been fixed under the provisions of section 96 the Tehsildar may summarily eject any person who is wrongfully in possession of any land which has been found got to appertain to his holding or to the holding of any person through or under whom he claims"

Now therefore, the Revenue Inspector Circle No.3 is hereby authorized to evict the unauthorized occupation on 02/06/2025 at 10.00 AM and report compliance immediately."

Thereafter, suddenly on the applications made by private respondent a stay order was granted for unlimited period though he has no power to grant such stay order when eviction order was already passed under Regulation 98 (1) of the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulations, 1966. Therefore, such stay order is liable to be set aside since it was passed behind the back of the petitioner and without giving opportunity and further a direction may be passed to implement of the order passed by the Tehsildar on 30.05.2025.

On the other hand, learned counsel appearing on behalf of the private respondent on his usual fairness submits private respondent is Government employee and is not in a possession of land or encroached land, which is subject matter of this writ petition.

In view of the above submission and considering all the documents annexed to the writ petition, this Court finds that there is no need to pass any stay order by the Tehsildar when private respondent himself concedes he is not in possession or encroached any land as such same may be set aside.

Accordingly, the order of stay is hereby set aside which was passed by the Tehsildar without going through the facts and law.

The Tehsildar is directed to carry out his own order passed on 30.05.2025 in accordance with law as early as possible without any further delay.

With the above observation the writ petition being **WPA/323/2025** is allowed without order as to costs.

(Ajay Kumar Gupta, J.)