

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

WPA/347/2025

Shri. Abul Hassan

Vs.

The Andaman and Nicobar Administration and Others

Mr. K.M.B. Jayapal	... for the petitioner
Ms. Babita Das	... for the respondent nos. 1 to 3
Ms. A. S. Zinu	... for the respondent no. 4
Mrs. Anjili Nag, Sr. Adv.	
Miss. Sohini Biswas	
Mr. Deb Kumar Bawali	... for the respondent no.5

July 07, 2026
[AKB]
Item No.9

This writ petition assails inter alia an order dated April 16, 2025 passed by the Tehsildar, Ferrargunj, South Andaman whereby the petitioner's application for demarcation of the petitioner's land made on December 04, 2024 has been kept in abeyance.

The petitioner had made an application for demarcation online on December 04, 2024 before the Tehsildar, Ferrargunj. Since the Tehsildar did not act on the petitioner's application, the petitioner approached this Court by filing WPA/99/2025. The same was disposed of by an order dated March 18, 2025 directing the Tehsildar to dispose of the petitioner's application for demarcation by a reasoned order after giving opportunity of hearing to all interested parties within a period eight weeks from the date of communication of the order.

In due deference to the said order, the Tehsildar has disposed of the petitioner's application by passing the order impugned.

Mr. Jayapal, learned Advocate appearing for the petitioner submits that the Tehsildar has gone remiss in not acting on the petitioner's request on the ground of substance of an order of *status-quo* in respect of the subject property. He invites the attention of this Court to the order dated October 10, 2025 passed by the Learned Civil Judge (Senior Division), South Andaman, Port Blair in Other Suit No. 93 of 2024 to demonstrate that the order of *status-quo* that had been passed earlier was not extended beyond October 10, 2025.

Mr. Jayapal, learned Advocate further submits that the order is bad for the reason that the same has been passed in derogation of principles of natural justice inasmuch as petitioner has not been granted an opportunity of hearing despite there being a direction to that effect.

Ms. Das, learned Advocate appearing for the respondent Nos. 1 to 3 submits that the contention of Mr. Jayapal, learned Advocate that no opportunity of hearing was granted is incorrect inasmuch as the petitioner was heard prior to the passing of the impugned order.

Mrs. Nag, learned Senior Advocate appearing for the respondent No. 5 and Ms. Zinu, learned Advocate appearing for the respondent no. 4 submit that Mr. Jayapal's contention as regards non continuance of the order of *status-quo* may not be correct. It is further submitted that the petitioner has an

appropriate remedy of appeal before the appellate authority in terms of the relevant regulations.

It is next submitted that in any event, there is no reason for the petitioner to be aggrieved inasmuch as the Tehsildar, Ferrurgunj has not rejected the petitioner's application but has only kept the same in abeyance until the Court lifts the order of *status-quo* or permits such an action through a subsequent order.

Having heard the learned Advocates appearing for the respective parties and having considered the materials on record, this Court finds substance in the submission made by Mrs. Nag, learned Senior Advocate that at the present moment, the petitioner has no reason to be aggrieved by the order impugned inasmuch as, the order has only kept the petitioner's request for demarcation in abeyance until lifting of the order of the *status-quo* by the Court. If as submitted by Mr. Jayapal, the *status-quo* order is no more in existence, it would be open to the petitioner to satisfy the relevant Tehsildar that the order of *status-quo* is no longer in operation and the Tehsildar would then be free to proceed in accordance with law in terms of its own order which has been impugned in the present writ petition.

In such view of the matter nothing remains to be decided on this writ petition. With the aforesaid observations, WPA/347/2025 stands disposed of.

There shall be no order as to costs.

It is clarified that this Court has not gone into the merits of the respective cases of the parties and all points are left open to be decided in accordance with law.

(Om Narayan Rai, J.)