

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

WPA/349/2026

Shri M. Manimaran

Vs

The Andaman and Nicobar Administration and Others

Mr. K.M.B. Jayapal ... for the petitioners

Ms. Babita Das ... for the respondent nos. 1& 2

Mr. Rakesh Kumar ... for the respondent nos. 3 & 4

July 10, 2026
[AKB]
Item No.25

1. This writ petition is directed against an order dated June 27, 2026 passed by the Deputy Commissioner, South Andaman District, being the appellate authority (Municipal) whereby the petitioner's appeal being FA No. 28 of 2024 against an orders dated August 1, 2024 and August 5, 2024 passed by the Secretary, Municipal Council, has been dismissed.

2. Initially, the Secretary, Port Blair Municipal Council passed on order dated August 1, 2024 holding that the petitioner's construction was unauthorized. Subsequently, a follow up order dated August 5, 2024 was passed directing demolition of the said unauthorized construction.

3. Assailing both the said orders, the petitioner preferred an appeal before the appellate authority which was registered as FA No. 28 of 2024. The said appeal has been dismissed by the appellate authority on June 27, 2026 with the observation that the petitioner had remained unrepresented on six occasions

and that on the said date, the petitioner had sought for an adjournment.

4. Mr. Jayapal, learned Advocate appearing for the petitioner submits that the appellate authority should not have dismissed the petitioner's appeal merely because of non appearance of the petitioner on the said date moreso, when an application for adjournment had been filed.

5. He further submits that no notice of hearing was given for at least one year after 2024. He hands up to Court copies of notices dated November 7, 2024, December 31, 2024, January 21, 2025 and June 10, 2026 to demonstrate that after the notice issued on January 21, 2025 there was a lull for more than one and half years and a sudden notice was issued only on June 10, 2026 calling upon the petitioner to appear on June 18, 2026. Copies of said notices handed up to Court are taken on record.

6. It is submitted that on the scheduled date, the petitioner made a request for adjournment which was refused and the appeal got dismissed.

7. Mr. Jayapal submits that the earlier proceedings got adjourned for want of a report of SVPMC and not due to the fault of the petitioner.

8. Ms. Das, learned Advocate appearing for the Deputy Commissioner i.e. the appellate authority submits that the order impugned has been rightly passed inasmuch as the petitioner had been evading hearing since long.

9. Mr. Kumar, learned advocate appearing for the Municipal authorities also supports the order impugned.

10. Heard learned advocates appearing for the respective parties and considered the material on record.

11. It is true that the petitioner has been remiss in conducting the proceedings before the appellate authority.

12. It is also noticed that in all the notices, request has been made to the SVP MC to depute a representative along with a detailed report on the appointed date and time, however, the records produced in Court do not reveal that any such report was filed.

13. Be that as it may, since the proceedings evidently remained dormant from January 21, 2025 to June 10, 2026 when the notice was issued to the petitioner to appear on June 18, 2026 and since the matter pertains to demolition, therefore for the ends of justice this Court is inclined to grant one last opportunity to the petitioner to present its case in appeal before the appellate authority.

14. The appellate authority shall fix one date with a minimum seven days notice to the petitioner to enable the petitioner to represent the petitioner's case before the appellate authority.

15. On the date fixed and at the time scheduled in such notice, if the petitioner still fails to appear, the appellate authority would proceed to dismiss the appeal. However, if the petitioner appears at the appointed time on the appointed day, the petitioner's case would be heard and decided on merits.

16. In case any report is called for and relied on by the appellate authority, the petitioner shall be provided a copy thereof and the petitioner shall be afforded an opportunity to put forth his stand in respect of such report.

17. In the light of the aforesaid observations, the order impugned dated June 27, 2026 is set aside.

18. Needless to mention that this Court has not gone into the merits of the petitioner's case and this order has only been passed to ensure compliance of natural justice.

19. With the aforesaid observations, WPA/349/2026 stands disposed of. There shall be no order as to costs.

(Om Narayan Rai, J.)