

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

SAT/13/2024

Smt R.Devika

Vs.

Shri Deb Prasad Mistry

Mr. KMB Jayapal

... for the appellant

September 26, 2024
[SR]
Item No.8

This appeal shall be heard on the following substantial questions of law:

- (a) Whether the First Appellate Court erred in law in refusing to grant consequential relief as prayed for by the plaintiff for recovery of khas possession by evicting the defendant herein from the suit premises in terms of Section 34 of Special Relief Act, 1963.
- (b) Whether the First Appellate Court erred in law in holding the suit filed by appellant for recovery of khas possession is barred under the provision of clause 204 of the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation, 1966 and the Rules framed thereunder.
- (c) Whether the First Appellate Court erred in law in misinterpreting the provisions of clause 161 of the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation, 1966 and the Rules framed thereunder which only come into play in a situation where the recorded tenant has been dispossessed from the land within a period of 2 years and not otherwise.
- (d) Whether the First Appellate Court erred in law in misinterpreting the provision of clause 204 of the Andaman and Nicobar Islands Land Revenue Land

Reforms Regulation, 1966 and the Rules framed thereunder in allowing the appeal in part but refusing to grant the consequential relief of recovery of khas possession as prayed for by the appellant.

Let the Trial Court records be called for.

Issue usual notices.

The appellant shall prepare requisite number of informal paper books within a period of four weeks from the notice of arrival of the Trial Court records. Thereafter, the concerned Department shall serve notice on the Advocate on Record for the appellant.

Liberty to mention the appeal for final hearing after the records are examined and all formalities completed.

(Ravi Krishan Kapur, J.)

(Prasenjit Biswas, J.)