

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

WPA/533/2025

Smti. Sobha Das and Others

Vs.

The Andaman and Nicobar Administration and Others

Ms. G. Mini for the petitioners

Mr. V.D. Sivabalan
Mr. Arun S. Kumar ... for the respondents

February 25, 2026
[AKB]
Item No.39

In pursuance to the judgement and order dated 10.12.2019 passed by a Coordinate Bench of this High Court in WPA/222/2019 (Smt. Kalpana Roy and others vs The Andaman and Nicobar Administration and others), the Deputy Commissioner, South Andaman District after giving a full opportunity of hearing to the petitioners, Tehsildar, Ferrarguanj and Assistant Commissioner, Settlement on different dates and finally the case was heard on 06.02.2025 and decided the same.

All grievance, whatsoever, made by the writ petitioners by way of their representations dated 03.09.2009, 27.09.2010, 22.07.2013 and 31.12.2013 as regard to the dispossession from their land being Survey No. 10/P/1 measuring an area 2.02 hecets. at Manjery village under Ferrargunj Tehsil was considered by the Deputy Commissioner. After thorough hearing the parties, the Deputy Commissioner, South Andaman District finally decided the case and passed the order as *inter alia*:

“And whereas, in view of the discussions above, it is evident from the Assistant Commissioner (Settlement)'s order that the petitioners

or their predecessor had never fully occupied the allotted area. No government land is available in the vicinity, nor are adjacent plot holders willing to vacate the excess possession. A fresh demarcation confirmed the same findings as in 2014.

Therefore, I, Arjun Sharma, IAS, Deputy Commissioner, South Andaman, am of the opinion that the claim of the petitioners to recover the shortfall area from adjacent tenants cannot be acceded to at this juncture, for reasons discussed above.

Accordingly, the petition dated 02.11.2018 filed by the petitioners is hereby disposed of.

A plain copy of this order be served upon the petitioners, Assistant Commissioner (South South Andaman, Assistant Commissioner (Settlement), Tehsildar, Ferrargunj and Govt. Pleader District Court Complex, Sri Vijaya Puraram."

It is submitted by the learned counsel appearing on behalf of the petitioners that the respondent authorities have not given fair opportunity of hearing and violated the principal of natural justice and more so capriciously and whimsically passed aforesaid impugned order. It is, therefore, liable to be set aside.

On the other hand, learned counsel appearing on behalf of the respondents opposes the prayer of the writ petitioner and further submit that the writ petition is not maintainable. If any order, whatsoever, passed by the Deputy Commissioner may be challenge before the appropriate forum. If someone aggrieved by the same then there is an appropriate forum to file appeal against such order under the A& N Islands Land Revenue and Land Reforms Regulation, 1966.

Having heard the submission of both sides and on careful perusal of the entire record this Court finds sufficient opportunity was given to the petitioners to place their case before the Deputy Commissioner. Writ Court cannot enter into the disputed question of facts, when there is no violation of principal of natural justice, arbitrariness in the order

impugned. There is efficacious alternative remedy available to the petitioners under the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulations, 1966.

Therefore, the Writ petition is not maintainable, hence **WPA/533/2025** is dismissed without order as to costs.

However, petitioner is at liberty to take appropriate recourse within two weeks in accordance with law before the appropriate authority for Redressal of their grievances.

It is made clear that this Court has not entered into the merits of the case. The appellate authority will decide the matter, if filed, independently, in accordance with law and without being influence of any observation, whatsoever made herein above by this court as early as possible without granting any unnecessary adjournment to the parties.

(Ajay Kumar Gupta, J.)