

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

WPA/650/2024

Shri T. Ponraj

Vs.

The Port Blair Municipal Council and Another

Mr. Rakesh Kumar

... for the respondents

February 26, 2026

[AKB]

Item No.11

This instant writ petition has been filed by the petitioner seeking setting aside of the impugned order No. 1140 dated 03.10.2024 passed by the Municipal Appellate Authority, (Deputy Commissioner), South Andaman District at Sri Vijay Puram upholding order No. 1227 dated 02.04.2024 issued by the Secretary, Sri Vijaya Puram Municipal Council and further restrain the respondent authority from causing any demolition in terms of the said order.

None appears on behalf of the petitioner. No accommodation is sought for. Even on earlier occasion none appears on behalf of the petitioner. No accommodation was sought for on behalf of the petitioner.

On the other hand, Mr. Rakesh Kumar, learned advocate appearing for the respondents submits that this instant writ petition is not at all maintainable because if he aggrieved by and dissatisfied with the order passed by the Municipal Appellate Authority (Deputy Commissioner), then Second appeal lies to the Second Appellate Authority, the Administrator, Andaman and Nicobar Islands under clause

32.12 of the Port Blair Municipal Council Building Bye-Laws-1999. When there is an appropriate forum for his remedy against the impugned order, the petitioner may approach by filing second appeal and i.e. the efficacious alternative remedy to the petitioner.

Having heard the learned counsel, Mr. Kumar and upon perusal of the provision as applicable, the petitioner has appropriate forum to challenge the same in Second appeal. In such situation, the Writ is not maintainable and liable to be dismissed

With the above observation the writ petition being **WPA/650/2024** is dismissed.

However, it is made clear that the petitioner is at liberty to approach before the appropriate forum for his redressal of his grievances in accordance with law.

(Ajay Kumar Gupta, J.)