

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

[CIRCUIT BENCH AT PORT BLAIR]

PRESENT: HON'BLE JUSTICE APURBA SINHA RAY

WPA/51/2026

Smti. Kishori Bala Das

... Petitioner

Versus

The Andaman and Nicobar Administration and Others ... Respondents

For the petitioner : Mr. K.M.B. Jayapal

For the administration : Mr. Rakesh Kumar

For the private respondent : Ms. A. S. Zinu

Heard on : 05.02.2026

Judgment on : 06.02.2026

APURBA SINHA RAY, J.

1. By filing this writ petition, the writ petitioner has challenged the order no. 119 dated 13.01.2026 passed by the Executive Engineer (Plg.), Municipal Council on the ground that the writ petitioner's case was not properly considered by the concerned officer and has passed an order without taking into consideration the legal issues raised by the Learned Counsel during hearing of the relevant matter. As the petitioner's argument was not considered in its proper perspective, the said order is not sustainable in law and as such, the order no. 119 dated 13.01.2026 as stated above is to be set aside.

2. The Learned Counsel appearing for the official respondents has submitted that the said order was passed in view of the direction of this Hon'ble Court in WPA 507 of 2025 issued on 18.11.2025. The petitioner and his Counsel were given sufficient opportunity but the petitioner was unable to persuade the concerned officer with his argument. He was unable to show as to why the relevant demolition order will be cancelled. The impugned order is appealable one and as such, this writ petition has no merit at all.

3. I have gone through the order dated November 18, 2025 passed in WPA 507 of 2025. The extract of the said order is quoted herein below:-

“Considering all as above I find it proper to dispose of this writ petition by directing the respondent nos. 2/3 (as the case may be) to consider the representation of the writ petitioner dated 10.03.2025 and decide thereupon by delivering a reasoned order, after affording reasonable opportunity of hearing to all the parties involved. The said respondent shall allow the parties to rely on documents/plan of construction, if any. He shall pass a reasoned order within a period of eight weeks from the date of communication of copy of this order.

The writ petition No. WPA. 507 of 2025 is allowed and disposed of.”

4. Pursuant to such direction, the Executive Engineer (Plg.), Municipal Council passed the impugned order after hearing all the stakeholders involved in the matter. From the said order it

transpires that the Executive Engineer (Plg.) had recorded the argument advanced by the Learned Counsel of the writ petitioner Smti. Kishori Bala Das. During the course of said hearing, the Learned Counsel of the writ petitioner denied the inspection report dated 04.01.2025, the notice dated 14.11.2025 and the reply of the notice. According to him, the R.C.C. double storied residential building stands duly sanctioned vide approval No. 4631 dated 07.06.2013 and the inspection report does not establish any deviation with reference to the sanction plan through authenticated measurements. The allegation of construction beyond recorded land is unsupported by any revenue demarcation or joint verification. The alleged deviation pertains to construction completed prior to 2014 but no contemporaneous action was taken. In absence of such **quoted** material proving violation of the sanction plan or statutory provisions the inspection report and consequential notice ,according to the said Learned Counsel, are legally unsustainable and the proceedings are to be dropped.

5. The Executive Engineer (Plg.) has given a tabular chart showing the alleged deviation and without accepting the contention of the Learned Counsel of the writ petitioner therein, the writ petitioner was directed to demolish the deviated portion/structure within 30 days.

6. It appears from the above that Kishori Bala Das had obtained the approval of R.C.C. double storied residential building on plot survey No. 1931/2 with an area of **33 Sq.mtrs.** situated at Sisty Nagar village, Aberdeen. It is also found from the impugned order that on 30.07.2014 a stay order along with provisional demolition order dated 04.09.2014 and subsequently demolition order dated 10.11.2014 on the basis of complaint and initial site inspection was issued. But since then, as the demolition had not taken place, the issue was taken up by one Sri Tushar Singh, being the respondent no. 4 herein and thereafter, the Hon'ble Co-ordinate Bench by its order dated 18.11.2025 in WPA 507 of 2025 directed the concerned officer to dispose of the representation in accordance with law. It appears that in compliance of the such order of the Hon'ble Coordinate Bench, the Executive Engineer (Plg.) has passed a reasoned order. It is not correct that no contemporaneous action was taken. The record shows that demolition order being no. 6260 dated 10.11.2015 was passed against the construction of the present writ petitioner. However, it appears that the order no. 119 dated 13.01.2026 is an appealable one but without filing an appeal, the writ petitioner preferred this application under Section 226 of the Writ Jurisdiction. However, I do not

find any merit in the contention of the writ petition and accordingly, WPA 51 of 2026 is dismissed.

7. Petitioner is given liberty to file appropriate appeal before the concerned forum if the law permits her to do so.

8. The writ petition being WPA 51 of 2026 is disposed of.

9. There shall, however, be no order as to costs.

10. All connected applications, if any, stand disposed of.

11. Urgent Photostat certified copy of this judgment, if applied for, shall be supplied to the parties as expeditiously as possible, upon compliance of all formalities.

(APURBA SINHA RAY, J.)