

21.10.2020.
Item No. DL-14

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT PORT BLAIR**

W.P.A 8087 of 2020

**Shri Rohman
Vs.
The Deputy Commissioner,
South Andaman District, Port Blair and others.**

**Mr. Gopala Binnu Kumar,
... for the petitioner.**

**Mr. Krishna Rao.
... for the respondents.**

The Advocate-on-Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within forty-eight hours of resumption of the normal functioning of the Court. Subject to such undertaking the writ petition is taken up for hearing through Video Conference.

Mr. Gopala Binnu Kumar, learned Advocate for the petitioner, vociferously submits that the excess land possessed by his client does not belong to the Administration and, therefore, the concerned Patwari, the respondent no. 3 herein, has no authority to ask for vacation of such excess land.

Mr. Krishna Rao, learned Advocate for the respondents, raises as preliminary objection on the maintainability of the writ petition.

Such being the fact, in my opinion, it raises a civil dispute and cannot be agitated and resolved through a process of writ petition under Article 226 of the Constitution of India. However, the title or right if vested upon the excess land, which, according to the petitioner, does not belong to the State or its

administration or instrumentality, the writ petition is not maintainable. The writ petition is dismissed as such.

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(Harish Tandon, J.)