

25. 06.2026
SL.1.

Court No.34
sg

In The High Court At Calcutta
(Circuit Bench at Port Blair)

RVW 8 of 2026
in
SA 9 of 2026

Smti. Tokidas
Vs.

The Hon'ble Lieutenant Governor & Ors.

Mr. Gopala Binnu Kumar

....for the petitioner.

Ms. Babita Das

....for the respondents.

1. This review application has been filed by the appellant with the specific contention that in the judgement and order passed by this Court on 23rd March, 2026 whereby second appeal as filed by the appellant was allowed, there is an error apparent on the face of the record since it was not mentioned in the judgement that the appellant will be entitled for the regularization in terms of the observation made in the judgement.
2. It is further submitted that because of not having the specific direction appellant/petitioner is unable to proceed further with this regularization process.
3. On the other hand, learned advocate representing the respondent authorities raised objection and submits that this is not an error apparent on the

face of the record as when the judgement is in favour of the appellant he can very well approach to the authority and the authority concerned will take the decision in accordance with scheme and prayed for dismissal of this revisional application.

4. Having heard the learned counsel and going through the materials-on-records it appears that the judgement passed by this Court on 23rd March, 2026 in paragraph 21:

“ Therefore in view of the above discussions in the light of the legal framework this Court is of the view that the plaintiff was able to prove that she was pre-1978 encroacher in respect of the land, in the light of the Exhibit 9 and is coming within the provision envisaged under Clause 5 of the relevant scheme dated August 17, 1987 and is eligible to receive the benefit of this clause in respect of the suit land subject to the authority of land. Her encroachment of the scheduled land was never regularised so she is an unauthorized occupant and her possession cannot be authorized by her father’s regularized possession.”

5. In paragraph 22 mentioned appeal stands allowed and the judgement passed by the Appellate Court is affirmed. The judgement of the trial court is hereby set aside.

6. This Court is of the view considering argument advanced by the learned counsel that appellant who is to approach before the appropriate authority is not mentioned and to that extent can be reviewed and it is to be inserted in paragraph 22 that the appellant will be entitled to approach appropriate authority for regularization in accordance with the scheme.
7. Let a decree be drawn up accordingly.
8. Let the copy of this order be forwarded to the trial court forthwith.
9. Accordingly, review application being RVW 8 of 2026 stands disposed of.
10. All parties shall act on server copies of this order duly downloaded from the official website of this Court.

[Chaitali Chatterjee (Das) J.]