

Development Corporation Limited...with retrospective effect from 1st April, 1977. The relevant clauses of the said indenture are as follows:

" 1 The Government hereby agrees to hand over the standing forest in Little Andaman and in North Andaman Forest Division as indicated in the Annexure G

4. The lessee shall undertake to supply the requirement of timber to the local wood based industries for which commitment have already been made by the Government from time to time at mutually agreed rates between the lessee and the wood based industries

6 Forestry operations by the lessee in the leased area will be governed on the basis of 75 years conversion period

Assuming that the indenture dated 30th September 1987, is a valid document, a bare perusal of the relevant clauses referred to herein before amply demonstrates that such lease had been granted for non-forestry purposes also. Parliament enacted Forest (Conservation) Act, 1980. Section 2 of the said Act prohibits grant of reserved forest for non-forest purpose without obtaining prior approval of the Central government...

It is neither in doubt nor in dispute that the said lease had been granted apparently in violation of the provisions of the said Act. The purpose and object of the said Act has been considered by the Supreme Court in details in *Ambica Quarry Works-V-State of Gujarat*, reported in 1987 SC 1073 and by two Division Benches of Patna High Court of which I was a member, reported in 1994(2)BLJR 524 and 1994(1) BLJR 586. The Supreme Court has followed *Ambica Quarry's* case in several judgments subsequently. In terms of the provisions of the said Act and in the light of the decisions referred to hereinbefore, there, cannot be any doubt that the said indenture is violative of the provisions of the Forest (Conservation) Act, 1980, and the Rules framed thereunder. It may be recorded that a copy of the deed of lease was placed before this court only today.