

on the date of passing of the aforesaid order no construction was undertaken by the writ petitioner and the same is also evident from the averments in para 5 of the writ application wherein the petitioner has stated as under:

"The petitioner was supposed to initiate some developmental tourism activities....."

That inspite of the order passed by the respondent no. 4 restraining the writ petitioner from undertaking any construction activity of the subject land and also inspite of the fact that no order of stay was passed by this Hon'ble Court, the writ petitioner during the pendency of the writ application has undertaken substantial construction of the proposed resort for which appropriate proceedings shall be initiated against the writ petitioner.

17. That the contents of para 6 is denied and disputed and the writ petitioner is put to the strict proof thereof in this regard. In this regard it specifically denied and disputed that the action of the authorities is at the instance of some rival groups. In any eventuality since the petitioner has alleged so in that eventuality the petitioner is duty bound under the law to disclose the name of such rival group and the petitioner is further duty bound to implead the aforesaid group as a respondent in the instant application. In any eventuality the action of the authorities is having regard to the larger interest of the jarawas and also having regard to the policy formulated by the administration in terms of the order of the Hon'ble High Court. That further Regulation 4 of the Andaman & Nicobar Islands ^{Protection} [Prevention] of Aboriginal Tribes Regulation] 1956 provides as under:-

