

9. M/s Barefoot Inns & Leisure Pvt. Ltd., Port Blair purchased some agricultural land holdings at Collinpur village, Ferargunj Tehsil, South Andaman at a location very close to the Jarawa tribal reserve and started construction of a Tourist Resort during the year 2007.
10. In view of the location of the proposed Tourist Resort of M/s Barefoot Inns & Leisure Pvt. Ltd being in very vicinity of Tribal reserve and in view of the objectives of the notified Jarawa Policy, the Tehsildar, Ferargunj issued a stay order dated 7-11-2007 directing M/s Barefoot Inns & Leisure Pvt. Ltd to stop all constructions for the proposed commercial activity on the land purchased by them, which is situated at Collinpur Village in South Andaman.
11. On being aggrieved by the said order M/s Barefoot Inns & Leisure Pvt. Ltd. filed a writ petition before the Hon'ble High Court at Kolkata, Circuit Bench at Port Blair which was numbered as W.P.No.328 of 2007 - M/s Barefoot Inns and Leisure Pvt. Ltd. -Vrs- Lt. Governor, A&N Islands and Others.
12. The Writ Petitioner M/s Barefoot Inns & Leisure Pvt. Ltd., Port Blair made the Lt. Governor Andaman & Nicobar Islands, the Deputy Commissioner South Andaman District and the Tehsildar, Ferargunj Tehsil as Respondents in the case but the Department of Tribal Welfare and the Secretary (TW) under whose signature the notification dated 30/10/2007 regarding Buffer Zone was issued was not made the Respondent in the case with the obvious intention that the case may not be defended properly in its right earnest.
13. The Department of Tribal Welfare which is mainly responsible for ensuring the protection and welfare of Tribals attempted to be included as a Respondent in the above mentioned writ petition No.328 of 2007 before Single Bench of Hon'ble High Court at Calcutta, Circuit Bench at Port Blair but in vain.
14. The above mentioned Writ Petition was disposed of by the Single Bench of the Hon'ble High Court at Calcutta, Circuit Bench at Port Blair vide order dated 17<sup>th</sup> March 2008 wherein the Hon'ble High Court has quash the notification dated 30/10/2007 as well as the subsequent stay order dated 6/11/2007 issued by Tehsildar, Ferargunj.
15. On being aggrieved by the order dated 17<sup>th</sup> March 2007 of the Single Bench of the Hon'ble High Court at Calcutta, Circuit Bench at Port Blair the Appellants herein prefer this appeal below before the Division Bench of the

*Hon'ble High ..*