

GROUND.

- a) That the Writ Petition No.328 of 2007 filed by M/s Barefoot Inns & Leisure Pvt. Ltd., Port Blair was not legally maintainable as the writ Petitioner intentionally avoided to make the Secretary (TW), Department of Tribal Welfare, A&N Administration a Respondent in the above mentioned case where as the impugned notification No.234/2007 dated 30/10/2007 was issued by and under the signature of Secretary (TW).

- b) That while disposing off the said writ petition filed by M/s Barefoot Inns & Leisure Pvt. Ltd., the Hon'ble Single Bench of the High Court at Calcutta, Circuit Bench at Port Blair has erred by going into the simple technical words that the Secretary (TW) was not authorized to declare any area as buffer zone under the provision of Sub-Section (1) of Section 3 of the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation 1956.

- c) That while quashing the notification No. 234/2007 dated 30/10/2002 issued by the Secretary (TW) as well as the order dated 6/11/2007 issued by Tehsildar, Ferargunj on one hand the Hon'ble Single Bench of the High Court at Kolkata, Circuit Bench at Port Blair has on the other hand observed that quashing of the said notification and the subsequent order cannot prevent the Respondent Authorities from issuing proper direction to the Petitioner or anyone else to stop any commercial and/or tourism activities in the area in question following the declared decisions of the Authorities of the Jarawas tribes of Andaman Islands as published by the concerned Authorities in the Andaman and Nicobar Gazette or on the basis of any subsequent declared policies of the Respondent Authorities.

- d) That the Hon'ble Single Bench of the High Court of Calcutta, Circuit Bench at Port Blair has failed to appreciate the objectives of the notified Policy on Jarawa Tribe of Andaman & Nicobar Islands published in the extra-ordinary gazette notification No.210 dated 21/12/2004 which are as follows:-
 - (i) To protect the Jarawas from harmful effects of exposure and contact with the outside world while they are not physically, socially and culturally prepared for such interface;