

SYNOPSIS

The petitioner is a company registered under the companies Act 1956. The Petitioner has purchased land at Collinpur Village, Ferrargunj Tehsil, Andaman District. The Petitioner decided to carry out tourism activities on the said land. At the said juncture the Petitioner received an order from the Respondent No.6 where by he restrained the Petitioner from carrying out any construction on the land on the ground that the land in question comes under the buffer zone as mentioned in the notification dated 30.10.2007. The Petitioner was surprised to receive such order. The Petitioner subsequently found that the Respondent No.1 has no authority to issue the said notification under The Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956. The land in question does not come with in the area mentioned in the notification. No opportunity of hearing was given to the Petitioner either before the issuance of the notification or before the passing of the order dated 6.11.2007. Moreover the area is not predominantly inhabited by the aboriginal tribes. No enquiry was conducted before issuing the orders. The Petitioner has come to know that the said orders and notification has been issued in order to casue harm and damage to the Petitioner. The Petitioner has challenged the constitutional validity of the notification where by his fundamental right has been infringed. Hence the instant writ application.