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PUC is a copy of the judgement dated 17-3-2008 of the Hon'ble High Court at Calcutta, Circuit Bench at Port Blair in W.P. No. 328 of 2007 - M/s Bare Foot Inns & Leisure Pvt.Ltd - Vs - the Lt. Governor and Ors. The writ petition was filed by the Petitioner on being aggrieved by the order dated 6-11-2007 of the Tehsildar, Ferrar Gunj restraining the firm from construction of their hotel at Collinpur on a site adjacent to the Jarawa Reserve boundary on the basis of the Notification No. 234/2007 F.No. 1-752-TW dated 30-10-2007 issued by the Spl. Secy. (TW) with the approval of the Lt. Governor, A & N Islands, which defines a radius of 5 Kms from the Tribal Reserve boundary as 'buffer zone', where no commercial activity is permissible.

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While disposing off the writ petition the Hon'ble High Court has observed as follows:-

"In my considered opinion the Special Secretary (TW) was not authorized to declare any area as Buffer Zone under the aforesaid provisions of Sub-section (1) of Section 3 of the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956 although the competent authority can alter the limit of the reserved area from time to time by issuing notification under the aforesaid provisions of the Regulation, 1956. However, the respondents authorities herein cannot issue any notification declaring any particular area as buffer zone, in order to prevent the petitioner from carrying on commercial or tourism activities. For the aforesaid reasons, the notification dated 30-10-2007 as well as the subsequent order dated 06-11-2007 issued by the respondent-Tehsildar on the basis of the aforesaid notification dated 30-10-2007 cannot be sustained and the same are, therefore, quashed.

However, quashing of the aforesaid notification dated 30-10-2007 issued by the Special Secretary (TW) as well as the order dated 6-11-2007 issued by the Tehsildar cannot prevent the respondents authorities from issuing appropriate direction to the petitioner or anyone else to stop any commercial and/or tourism activities in the area in question following the declared policy of the authorities on Jarawa Tribe of Andaman Islands as published by the concerned authority in the A & N Gazettee or on the basis of any subsequent declared policy of the respondents authorities herein".