

(137) This is regarding filing of an appeal before the Division Bench of Hon'ble High Court at Calcutta, Circuit Bench at Port Blair challenging the Order of the Single Bench and apprising the factual position in a more elaborate manner to the Hon'ble Division Bench praying for setting aside the order of the Single Bench vide Judgment dated 17.3.2008 of the Hon'ble High Court of Calcutta in WP No. 328 of 2007 - M/s Bare Foot Inns & Leisure Pvt. Ltd. - Vs. - Lt. Governor & Others and the issuance of direction for closure of all commercial/ tourism activities by the Writ Petitioner. (A Copy of Judgment dated 17.3.2008 of Hon'ble High Court is placed at page 133-145/c)

(138) In this context a proposal regarding certain action against the order dated 17.3.2008 of the Single Bench of the Hon'ble High Court of Calcutta to be taken may kindly be perused at paras 130/140/n. After the approval of the Secretary (TW), necessary direction, pursuant to the order of the Hon'ble High Court, to the Writ Petitioner to desist from carrying out any commercial/tourism activities on the subject land has been issued vide this office letter dated 15.4.2008 at page 150-151/c. The D.C, South Andaman has also been requested to issue necessary instructions to the A.C, South Andaman to ensure that the conversion of the subject agricultural land/parcels of land situated at Collinpur purchased by M/s Bare Foot Inns & Leisure Pvt. Ltd., Port Blair may not be allowed as it will be detrimental to the interests of the Jarawas (Primitive Tribe) vide this office letter dated 25.4.2008 at pages 151-152/c.

The Secretary (TW) vide her minutes at para -138-149/N on page 47/N has requested that a petition be prepared by our Government Council for appealing against the order in WP No. 328 of 2007. A Senior Council from Calcutta may also be engaged to vigorously challenging impugned order. The above said issue was referred to Secretary (Law) to clarify alternate approaches. In its response, the Secretary (Law) vide his minutes at para 152/N has stated that prior to engaging Senior advocate, the department concerned may be requested to contact the Government Pleader with a view to prepare appeal against the Judgment / Order of the Hon'ble Single Bench and also to obtain one copy of the appeal so as to hand over to the Sr. Advocate. The para-wise comments for drafting the appeal against impugned order dated 17.3.2008 of Honble Single Bench has been sent to Shri. Santosh Kumar Mondal, Government Pleader, District Court Complex, Port Blair vide this office letter dated 12.5.2008 at page 208-209/c with the request to prepare an appeal based on the para-wise comments and also to nominate an Advocate from the Panel of Advocates to function as junior to the Senior Council being engaged in the case from Calcutta as desired by the Lt. Governor.