

F.No. 1-752/2007-TW

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As desired by the Secretary-cum-Director (TW) I consulted the Government Pleader Shri. S.K. Mondal on 1-7-2008 regarding the Tribal Welfare Department to impleaded as Intervener Appellant before the Division Bench of Hon'ble High Court at Calcutta, Circuit Bench at Port Blair against the order dated.17-3-2008 of the Single Bench of the same Hon'ble High Court in the W.P No.328 of 2007- M/s Barefoot Inns & Leisure Pvt. Ltd - Vs.- Lt. Governor & Ors. I explained that the whole issue is based on the Notification No 234/2007 dtd.30-10-2007 declaring Buffer Zone around the Jarawa Tribal Reserve, which, along with the stay order dated 6-11-2007 issued by the Tehsildar, Ferrargunj in terms of the said Notification was challenged by M/s Bare Foot Inns & Leisure Pvt. Ltd. before the Single Bench. But it is surprised that the Department which issued the impugned Notification dated 30-10-2007 and which is the major stake holder by virtue of being the Nodal Department responsible for protection and welfare of Primitive Tribes including Jarawas was not made a respondent in the Petition No.328 of 2007 filed by M/s Barefoot Inns & Leisure Pvt. Ltd. before the Hon'ble High Court at Calcutta, Circuit Bench at Port Blair.

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After consultation the Ld. Govt. Pleader stated that the Secretary-cum-Director (TW) can now be impleaded as an Intervener Appellant, for which the Department will have to engage a separate Counsel and will have to file Intervention Petition before the Hon'ble Division Bench with its submissions and grounds praying to be impleaded as Intervener Appellant.

In view of the observation of Secretary (Law) as at para.143-144 and ultimate direction of Hon'ble Lt. Governor as contained at para 150/N we may advisably engage Mr. Asoke Kumar Banerjee, Counsel from Kolkata for defending the case of the Tribal Welfare Department as Intervener Appellant before the Division Bench of Hon'ble High Court of Calcutta, Circuit Bench at Port Blair.

The Appeal filed by Lt. Governor and three Ors. was taken up for hearing on 30-6-2008 but has been adjourned for two weeks, allowing time to the respondent for filing reply. The case may now tentatively come up before the next Circuit Bench of the Hon'ble High Court at Port Blair. If approved, we may issue the engagement order of Mr. Asoke Kumar Banerjee, Counsel, Kolkata and also send him the following documents for his preparation:-

- (1) Brief history of the case.
- (2) The impugned Notification No.234/2007 30-10-2007 issued by the Secretary (TW) declaring Buffer Zone.
- (3) The stay order dated 6-11-2007 issued by Tehsildar, Ferrargunj directing M/s Barefoot Inns & Leisure Pvt. Ltd to stop constructing of their Resort at Collinpur.
- (4) The Writ Petition filed by M/s Barefoot Inns & Leisure Pvt. Ltd. before the Single Bench of at Hon'ble High Court.