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Friday, 3 December, 2010 5:37 PM

URGENT: Supreme Court Matter

From: "Aman Ahluwalia" (aman.ahluwalia@gmail.com)

To: drcandaman@yahoo.com

Dear Sir,

The Special Leave Petition (Civil) No. 12125/2010 (Andaman & Nicobar Administration vs. Barefoot Inn & Leisure Pvt. Ltd.) was listed in the Hon'ble Supreme Court today, i.e. 3rd December, before a bench comprising of Hon'ble Justice G.S. Singhvi and Hon'ble Justice A.K. Ganguly. I appeared for the Petitioner, and Shri S. Ganesh, Sr Advocate appeared for the Respondent.

Their Lordships perused the additional affidavit filed on behalf of the Petitioner, in which details had been given about steps taken to protect the Jarawa tribe. In the said affidavit, it is stated that action has been taken against some other establishments located in the buffer zone, and a notice has also been issued to one resort (other than the Respondent) in the buffer zone. On behalf of the Petitioner, these facts were disputed, and it was suggested that there is another resort currently in the buffer zone against which no notice has been issued. Also, it was stated on behalf of the Respondent that the two bars that have allegedly been closed, continue to remain operational as restaurants and only the liquor license has been withdrawn.

The Hon'ble Court was prima facie of the view that the 2007 notification notifying the "buffer zone" was not being properly implemented - but rather, was only being selectively implemented. The Hon'ble Court has therefore directed that all commercial and tourist establishments in the buffer zone must be closed down, and a statement must be made on the next date of hearing that all such establishments in the buffer zone have been closed. The next date for the matter will be known once the order is available on the internet.

It may be stated that although the Petition concerns the validity of the 2007 notification (which the High Court has quashed) - the Hon'ble Supreme Court appears to be proceeding on the basis that the notification is valid. However, the Hon'ble Court has directed that the notification must be implemented universally - and not selectively against the Respondent and a few others. I therefore request you to communicate these orders to those concerned in the A&N Administration on an extremely urgent basis, so that necessary steps can be taken expeditiously. The directions must be complied with immediately, and statement to this effect must be made at the next date of hearing. I must add that if there is a failure to comply, the possibility that contempt proceedings may be initiated cannot be ruled out.

You may reach me at 9811974545 for any clarifications. The officers from A&N Administration must be present in Delhi a day before the next date of hearing, and must also be present in Court for the hearing. My recollection is that the Court has directed the matter to be listed on 15th December, but this can be confirmed from the text of the order once it is available.

Regards

Aman Ahluwalia

(Advocate)

Fwd to Secretary (TW) pl.
3/12/2010