

on by the small shop, tea stalls, grocery etc. attract the Jarawas. The Petitioner's contention that resorts attract the Jarawas and/or the residents of respondent resort will interact with Jarawas and jeopardise their existence is a red herring. The Jarawas are mainly interacting with people on the Andaman Trunk Road and the settlers and it is the shops and tea stalls that attract their attention. In fact, the Petitioner had sent notices to these shops and tea stall to close down as these activities fall within the notification but the Petitioner is not implementing the same and is seeking to interpret the notification to exempt these commercial and tourist activities. Annexed hereto are sample copies of notices dated 8.12.2010 sent to these establishments and marked as **ANNEXURE-A**.

4. In fact, the Respondent verily believes that Dewdale Resort and SKM Golden Beach Resort is still carrying on business. The statement made on behalf of the Petitioner that Xalxo Beach resort is out of the buffer zone is incorrect as it falls within the 5 kms radius of the outer boundary of the reserve. The Petitioner is implementing the notification in arbitrary manner and not uniformly. Interestingly, despite having created such a large Buffer Zone in which all commercial and all tourism activities are banned, in the first nearly three years of existence of the Notification, only one private establishment, that of the Respondent's, has been closed, and by the Petitioner's own Admission, as at date only four private establishments have now been ordered to be closed in total, which is selective and arbitrary implementation of the law. However, the Petitioner is not implementing even the order of

