

8. With respect to Point No. 3, it is stated that the Deputy Commissioner (North and Middle Andamans), under whose administrative jurisdiction the Buffer Zone falling in the islands of Baratang and Middle Andaman comes, vide Note dated 7.12.10, authorized Tehsildar (Rangat) to close all operational commercial and tourist establishments and restaurants whose bar licenses had already been cancelled. Although several notices were issued to Dew Dale Resort, the owner of Dew Dale Resort did not close down the establishment. Eventually, the Deputy Commissioner issued an order for sealing of Dew Dale Resort, Sundergarh, Baratang, on 8.2.2011. Accordingly, the premises of Dew Dale Resort was sealed on 9.2.2011 by the Tehsildar (Rangat). A copy of the order dated 8.2.2011 is annexed hereto as Annexure 1, and a copy of compliance report dated 9.2.2011 is annexed hereto as Annexure 2. As regards SKM Golden Beach Resort, a notice was issued to the said resort on 8.12.2010, and the resort has since closed down and is not functioning. Further, the Petitioner states that Xalxo Beach Resort at Nayagarh Village (Baratang Island) lies outside the Buffer Zone, and it is incorrect to state that the said resort is within the Buffer Zone. In any event, notices have been issued to the owner of Xalxo Beach Resort by SDM Mayabunder for illegal diversion of agricultural land for commercial purpose.
9. In response to Point No. 4, the Petitioner states that its affidavit dated 13.12.2010 describes the manner in which settlers came to reside in various revenue villages in the areas around the Buffer Zone. The jetties and bazaars have been in existence for several decades, and have not sprung up after the advent of tourism. It is therefore incorrect to state that these jetties and bazaars are mainly to service tourists. The jetties, bazaars, and even the Andaman Trunk Road (constructed in the 1970s) are all part of an effort to create infrastructure that provides basic facilities to settlers who have been brought to the islands and resettled in difficult conditions.