

ITEM NO.25

Court No.12

SECTION XIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).5967-5968/2012

(From the judgement and order dated 23/12/2011 in WPC No.34398/2011 dated 16/01/2012 in WA No.68/2012 of The HIGH COURT OF KERALA AT ERNAKULAM)

UNION TERRITORY OF LAKSHADWEEP & ORS.

Petitioner(s)

VERSUS

SEASHELLS BEACH RESORT & ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment, PERMISSION TO FILE LENGTHY LIST OF DATES and prayer for interim relief)

Date: 02/03/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. H.P.Raval, ASG,
Mr. Harish Parikh, Adv.
MS. Sunita Sharma, Adv.
Mr. S.S.Rawat, Adv.
Mr. Atul Nanda, Adv.
Mr. D.S.Mahra, Adv.

For Respondent(s) Mr. Mukul Rohtagi, Sr. Adv.
Mr. Dayan Krishnan, Adv.
Mr. P.Sanjay, Adv.
Mr. Gautam Narayan, Adv.

UPON hearing counsel the Court made the following
O R D E R

Issue notice.

Mr. Gautam Narayan, Adv. accepts notice on behalf of

respondents nos. 1 to 49.

Petitioners to take dasti notices

for service upon the remaining respondents; and ensure service of the same before the next date of hearing.

Counter affidavit may be filed within one week.

Rejoinder, if any, be filed within one week thereafter.

Post for orders on 15.03.2012.

There shall be stay of the impugned order in the meantime.

The petitioners as also respondent No. 52 shall in the meantime furnish the following information on affidavit:

1) Whether the proposed Integrated Island Management Plan has been finalised for the Union Territory of Lakshdeep. And whether CRZ for the said territory has been notified.

2) If the CRZ has not been notified or the plan has not been finalised, the reasons for delay and the stage at which the matter rests at present and the particulars of the authority with whom the matter is pending may be indicated.

3) The total number of the applications received by the Union Territory of Lakshdeep for setting up of resorts and stage at which the said applications are pending/being processed.

4) The nature and extent of the violations which the administration of the Union Territory of Lakshdeep have noticed in the proposed resorts and the action, if any, taken for removal of such violations.

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If no action has been taken/initiated for removal of the violation, the reasons for the failure of the authorities to do so and the persons responsible for the omission/inaction may also be indicated.

5) The particulars of unauthorised resorts being operated in any part of the Union Territory of the Lakshdeep shall also be furnished by the authorities and the action proposed to be taken for closure/removal of such resorts

indicated.

Needful shall be done before the next date of hearing failing which the Administrator, Lakshdeep shall remain present in this court personally.

On a specific query made by the Court to the Director, Tourism who is present in person as to the number of resorts currently operating, we are told that there is only one single tourist resort owned by the Union Territory/Government which is operating in Agatti, Lakshdeep. Apart from the said resort, no private, Government or semi Government organisation is running any resort for the benefit of the tourists. That statement is taken on record, but the Director, Tourism shall support the same by filing a separate affidavit.

Mr. Mukul Rohtagi, learned senior counsel points out that even the Government resort does not have the requisite permission. The Director, Tourism shall in his affidavit indicate whether any permissions have been taken for the said

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resort and if so, shall file copies of the same alongwith the affidavit.

Order to be given dasti to counsel for the petitioners for service upon the respondent nos. 50 to 53 to ensure compliance with the directions issued by us above.

(Shashi Sareen)
Court Master

(Veena Khara)
Court Master