

ITEM NO.13

COURT NO.2

SECTION XIA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4625-4626/2012

UNION TERRITORY OF LAKSHADWEEP &amp; ORS.

Appellant(s)

VERSUS

SEASHELLS BEACH RESORT &amp; ORS.

Respondent(s)

(With appln.(s) for Directions and modification of court's order and office report)

Date : 20/01/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MR. JUSTICE R.K. AGRAWAL  
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

Mr. Gaurav Pachnanda, Sr. Adv. (A.C.)

For Appellant(s)      Mr. Maninder Singh, ASG  
                                 Ms. Sunita Sharma, Adv.  
                                 Mr. S.S. Rawat, Adv.  
                                 Mr. D. S. Mahra, Adv.

For Respondent(s)    Mr. P. Sanjay, Adv.  
                                 Mr. Gautam Narayan, Adv.  
                                 Ms. Asmita Singh, Adv.

Mr. M.K. Sreegesh, Adv.  
Mr. A. Venayagam Balan, Adv.

Mr. B. Krishna Prasad, Adv.

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

Heard.

We had by our order dated 18 November, 2014 directed Government of India to state on an affidavit the follow-up action required to be taken to implement the recommendation of the Expert Committee appointed by this Court. An Additional Affidavit sworn

by Asar Pal Singh, Additional Resident Commissioner, Union Territory of Lakshadweep, has pursuant to the said direction been filed on 19<sup>th</sup> January, 2015 in which it is inter alia stated that the Lakshadweep Administration shall forward the Integrated Island Management Plans (IIMPs) prepared by the Centre for Earth Science Studies (CESS), Trivandrum after incorporating the recommendations of the Expert Committee and feed-backs received from the inhabitants of Lakshadweep and various departments of Lakshadweep Administration for consideration and approval of the Ministry of Environment and Forest by the 28<sup>th</sup> February, 2015. The affidavit further states that once the IIMPs are notified, the Administration will demarcate the High Tide Lines (HTL) and No Development Zone (NDZ) and Regulated Development Zones (RDZs) as per IIMPs within six months from the date of notification of the IIMPs by one of the agencies authorised by the Ministry of Environment and Forest. The affidavit also indicates that the Administration will fix the 'tourism carrying capacity' for each island within a period of six months from the date of the publication of the IIMPs and will formulate the guidelines for 'tourist homes' as well as for the establishment of tourist resorts in the uninhabited parts of inhabited islands within three months from the date of notification of the IIMPs. In paras 5, 6 and 7, the affidavit states that the Lakshadweep Administration will explore the possibility of eco-friendly tourism in four uninhabited islands and float the Expression of Interest (EoI) for procurement/operation of dedicated tourist ships and formulate guidelines to handle the visiting cruise liners and luxury yachts

within three months after the approval of Ministry of Home Affairs for establishment of Immigration Control Post (ICP) at Agatti and Minicoy islands.

Mr. Gaurav Pachnanda, learned senior counsel appointed amicus by us, submits that the affidavit does not address certain other issues and recommendations made by the Expert Committee such as framing of development control regulations and building bye-laws without which the construction activity on the islands can be haphazard and create a slum-like situation. It was also submitted that there are other recommendations that are made by the Expert Committee which can be addressed within the IIMPs or outside but the affidavit does not state whether those concerns of the Expert Committee are being examined within the parameters of the IIMPs or will be taken up separately. It was urged that the timelines indicated in the affidavit filed by the Administration needs to be shortened so that the process of notification of the IIMPs and other steps does not go on indefinitely for ever.

We have by our order dated 18<sup>th</sup> November, 2014 already accepted the recommendations of the Expert Committee. It is noteworthy that the Expert Committee had while making its recommendations held wide range consultation with the concerned stakeholders including inhabitants of the islands in-question. In that view the recommendations will have to be taken as part of the IIMPs and forwarded by the Administration to the Ministry concerned for approval and notification. The administration has prayed for time till 28<sup>th</sup> February, 2015 to do this part. We allow that prayer and direct that the Administration shall forward in

the manner required under law the approved IIMPs along with the recommendations made by the Expert Committee and related document to the Ministry of Environment and Forest, Government of India.

On receipt of the recommendations latest by 28<sup>th</sup> February, 2015, the Ministry of Environment and Forest, Government of India shall process the same and have the IIMPs notified on or before 30<sup>th</sup> April, 2015. With the notification of the IIMPs, as indicated above, the Administration shall commence the demarcation of High Tide Lines (HTL) on the ground through the approved agency by the 30<sup>th</sup> June, 2015. The Administration and the Government of India shall also in the meantime initiate necessary steps required to be taken in terms of paras 3, 4 and 5 of the affidavit. A detailed project report in regard to procurement of dedicated tourist ships by Ministry of Home Affairs, Government of India, shall be prepared in terms of para 6 of the affidavit and submit to the competent authority for approval. Steps for formulation of guidelines to handle the visiting cruise liners, as indicated in para 7 of the affidavit filed by the Ministry of Environment and Forest shall also be taken by the Administration and by the Ministry concerned within the next three months and an affidavit filed in this Court on or before the next date of hearing as to the progress made on the above fronts.

As pointed out by the learned amicus, the affidavit does not deal with the measures suggested and recommendations made by the Expert Committee including formulation of Development Control Regulations and Building Bye-Laws. The Government of India and Administration shall examine that aspect also and take immediate

steps towards formulation of the required regulations and bye-laws within a period of two months after the notification of the IIMPs and indicate the progress made in that regard on affidavit.

These proceedings shall in the meantime shall stand adjourned to be listed again on Tuesday, the 14<sup>th</sup> July, 2015 for further directions.

(MAHABIR SINGH)  
COURT MASTER

(VEENA KHERA)  
COURT MASTER