

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2681 OF 2007

KRANTI

APPELLANT

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

O R D E R

1. Learned counsel for the appellant has brought to our notice that the Central Government, in spite of our earlier order and directions, have not complied with the same fully. The learned senior counsel for the appellant, Shri Colin Gonsalves, in his Memo/Report filed on 08.04.2013, has stated the following issues that are left to be considered and implemented by the respondents-herein:

i) Out of 9,797 shelters, 9,517 have been handed over to the families of the victims affected by the Tsunami which hit the Andaman & Nicobar Islands in the year 2004. The remaining 280 shelters are held back for the purpose of verification of the beneficiaries. It is stated by Shri Gonsalves, that direction may be issued to the respondents to complete the verification of the beneficiaries and thereafter hand-over the remaining 280 shelters to them. Shri Attri, learned senior counsel appearing for the Union of India, would submit that they will comply with the above said grievance of the appellant within six months' time from today. Therefore, we direct the respondents to hand over the remaining shelters to the beneficiaries after completion of verification within six months' time for today.

ii) The second issue is with regard to allotment of 24 shelters at Laxminagar and to provide basic amenities such as water, electricity etc.

In the earlier affidavit filed by the Union of India, it had stated that the allotment of 24 shelters could not be made because of the non-availability of approach road.

In our view, the Central Government has to take necessary steps to provide the approach road and thereafter allot 24 shelters at Laxminagar to the beneficiaries. This, in our opinion, requires to be complied with by the respondents within six months' time from today and this will include obtaining of the appropriate forest clearance from the concerned authorities.

iii) Shri Attri would submit that there are few cases which are still pending before the Lok Adalat and necessary steps would be taken to complete the proceedings before the Lok Adalat. After the matters are decided by the Lok Adalat, if a direction is issued for payment of compensation in the remaining 99 cases, they will comply with the orders of the Lok Adalat within six months' time from today. But it is further brought to our notice that the Lok Adalat has already completed the proceedings and awarded compensation for 169 cases. In spite of that, payment has not been made in the aforesaid 99 cases. Shri Attri states that the orders passed by the Lok Adalat will be implemented in a month's time. Therefore, we direct the respondents

to implement the orders passed by the Lok Adalat in a months' time from today.

iv) We are informed that the Directorate of Fishing has rejected the claim of 407 cases for allotment of hoodies. Therefore, a request is made that the claimants should be permitted to approach the Lok Adalat to sort out their grievances.

In order to facilitate the above, we direct that a Special Lok Adalat be constituted in accordance with our earlier order in this case on 16.05.2007. After the Lok Adalats are so constituted, we direct the Lok Adalat to dispose of the claims made by the 407 applicants as expeditiously as possible, at any rate, within six months' time from today. The claimants' counsel will facilitate the claimants to approach the Lok Adalat by making appropriate applications/ petitions/ representations.

v) It is further the grievance of the appellant that the respondents should be directed to distribute Antyodaya Anna Yojana (AAY) cards in consonance with the orders passed by this Court in the case of P.U.C.L. vs. Union of India, (W.P.(Civil) NO.196 OF 2001), Dated 02.05.2003 and the Orders and Circulars issued by Union of India, dated 19.08.2005. In view of the peculiar circumstances in the present case, we are of the opinion that all those Tsunami affected persons are eligible and entitled to A.A.Y. Cards and, therefore, we direct the respondents-herein to distribute the aforesaid cards as expeditiously as possible, at any rate, within an outer limit of two months' time from today.

vi) It is further brought to our notice that the respondents have not made any construction of the school buildings for the education of the children of the Tsunami affected families. Shri Attri, learned senior counsel, would submit that they will provide necessary infrastructure for construction/ maintenance etc. of school buildings as expeditiously as possible at any rate, within 18 months' time from today. The request of the learned senior counsel is not objected to by the learned senior counsel appearing for the appellant, therefore, we grant 18 months' time to the respondents to comply with our order.

vii) It is brought to our notice that as a part of the Tsunami Rehabilitation Programme, 38 shopping complexes were constructed in permanent shelter locations in Andaman & Nicobar of which 15 are in Car Nicobar, 21 in Nancowry and 2 in Little Andaman. The aforesaid shops were constructed for allotment to the Tsunami affected families and therefore, keeping this in mind we direct the Central Government and the other competent authorities to allot the shops to the Tsunami affected families as early as possible, at any rate, within six months' time from today.

2. Placing on record the submission and undertaking made by the learned senior counsel for the respondents, we dispose of this Civil Appeal. We hope and trust that the respondents shall comply with the aforesaid directions of this Court without causing any harassment to the appellant thereby compelling them to file another contempt petition for the non-compliance of the order passed by this Court.

3. We place on record our deep appreciation of the efforts made by Shri Colin Gonsalves and Shri J.S.Attri, learned senior counsels.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(JAGDISH SINGH KHEHAR)

NEW DELHI;
APRIL 09, 2013

ITEM NO.13

COURT NO.6

SECTION XVI

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

CIVIL APPEAL NO(s). 2681 OF 2007

KRANTI

Appellant (s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With office report)

Date: 09/04/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Appellant(s) Mr.Colin Gonsalves, Sr.Adv.
Mr.Divya Jhoti, Adv.
Mr.Shamik Narain, Adv.
Ms.Jyoti Mendiratta,Adv.

For Respondent(s) Mr.J.S.Attri, Sr.Adv.
Ms.Asha G.Nair, Adv.
Mr.R.Balasubramanian, Adv.
Ms.Sunita Sharma, Adv.
For Mr. D.S. Mahra,Adv.

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

The Civil Appeal is disposed of, in terms of the signed order.

(G.V.Ramana)
Court Master

(S.S.R.Krishna)
Court Master

(signed order is placed on the file)