

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) PIL No.3833 of 2022

Debakar Behera

....

Petitioner

Mr. Ashis Kumar Mishra, Advocate
-versus-

State of Odisha and others

.... ***Opposite Parties***

Mr. Sushant Nanda, Chief Executive, Chilika Development Authority, Mr. Sarat Mishra, DFO, Chilika Wildlife Division, Mr. Sashank Sahoo, District Fisheries Officer and Dr. Adish Aggarwala, Senior Advocate along with Mr. Akhaya Biswal, Advocate for Interveners

**CORAM:
THE CHIEF JUSTICE
JUSTICE A.K. MOHAPATRA**

Order No.

**ORDER
11.02.2022**

I. A. No.2109 of 2022

02.

1. This intervention application is taken up by a separate notice.
2. Mr. Ashis Kumar Mishra, learned counsel for the Petitioner to serve a copy of this writ petition on learned counsel appearing for the interveners in course of the day. Copies of intervention application be also served on learned counsel appearing for other parties during the course of the day.
3. This intervention application has been filed by Pradipa Behera and Nibash Behera, who state that they are traditional fishermen and are concerned about the possibility of motor boats being stopped from operating at Mangalajodi water body area. Dr. Adish Aggarwala, learned Senior Counsel appearing for the interveners

very fairly states that any restriction on use of motor boats should not be confined only to the Mangalajodi water body but should be applied to all such critical wet land areas in Odisha including the Nalabana Bird Sanctuary.

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4. The Court has heard the submissions of Mr. Sushant Nanda, Chief Executive, Chilika Development Authority (CDA), Mr. Sarat Mishra, DFO, Chilika Wildlife Division and Mr. Sashank Sahoo, District Fisheries Officer all of whom appeared in virtual mode.

5. Mr. Sahoo informs the Court that one of the conditions on which licences were issued for operating such motor boats was that they will avoid using the motor while traversing the Mangalajodi water body area. The stand of the Forest Department is that the pristine nature of the water body must be preserved to ensure that there is no disturbance caused to the international 'winged visitors' particularly during the winter months. He states that the Forest Department is creating awareness amongst the fisherfolk in the area in this regard.

6. The Court is of the view that the Chief Executive of the CDA should immediately organize a consultation with the fisherfolk in the Mangalajodi water body area within the next three days, and also visit the area himself. The fisherfolk there must be impressed upon to totally avoid using motor boats while traversing the Mangalajodi water body. The Chief Executive, CDA will also examine the plea of Dr. Aggarwala on implementing such measures in other Birds Sanctuaries in Odisha as well.

7. Mr. Nanda the Chief Executive, CDA will himself file an affidavit before the next date as regards compliance of the above directions.

8. List on 18th February, 2022.

9. The Court requests Mr. Sushant Nanda, Chief Executive, CDA, Mr. Sarat Mishra, DFO, Chilika Wildlife Division and Mr. Sashank Sahoo, District Fisheries Officer remain present in virtual mode on the next date as well. A copy of this order shall be transmitted forthwith in electronic mode to the said officials.

M. Panda

