

IN THE HIGH COURT OF ORISSA AT CUTTACK

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

Debakar Behera

....

Petitioner

Mr. Ashis Ku.Mishra, Advocate

-versus-

State of Odisha & others

....

Opposite Parties

Mr. Sushant Nanda, Chief Executive, Chilika Development Authority, Mr. Sarat Mishra, DFO, Chilika Wildlife Division, Mr. Sashanksekhar Sahoo, District Fisheries Officer and Dr. Adish Aggarwala, Sr. Advocate, Mr. Akhaya Biswal for Intervener and Mr. S.N.Das, ASC

CORAM:

THE CHIEF JUSTICE

JUSTICE R. K. PATTANAİK

ORDER

18.02.2022

Order No.

3.

1. In the affidavit filed today by Shri Sushant Nanda, Chief Executive, Chilika Development Authority, it is stated that a consultation was held with the Fisher Community on 14th February, 2022 at the site where the fisher folk expressed the view that they should be permitted to use the 'main channels' through which motorized boats will traverse. The said 'main channels' have been shown points A to B, C to D and E to F in red colour in a satellite imagery map which is at Annexure-C/2 to the affidavit. They agreed that they were not use motor boats in the sub-channels indicated in blue in the said map subject to the main channel being dredged in order to make it more navigable.

2. In the said affidavit, Mangalajodi is characterized as an 'Important Bird Area (IBA). It has been identified as such using an internationally agreed set of criteria. The said IBA is

recognized as being 'globally important for the conservation of bird population'. It is stated that the area is a place for roosting and nesting for migratory birds but is not protected by any statutory rules and regulations. The IBA's extent is stated to be 8.3 square km. of marshy land with emergent vegetation. The stand of the of CDA is that the Department of Fisheries should examine the matter under the provisions of the Orissa Marine Fishing Regulations Act, 1981 and issue orders to restrict the use of fishing gear for which license is granted in specified area.

3. This Court is heard the submission of the DFO, Chilika Wildlife Division as well as the Mr. Sashank Sahoo, District Fisheries Officer. The Fisheries Department and Wildlife Department will in consultation with each other come up with concrete set of measures to be put in place to regulate the activity in the area and restrict the use of motorboats preferably to one main channel. The said two departments will also consult experts including the Bomay Natural History Society (BNHS). A representative of the BNHS is requested to remain present on the next date to address the Court on what could be the best possible course of action in this regard.

4. List on 10th March, 2022.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge

