

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7469 of 2017

***The Registrar (Judicial),
Orissa High Court***

.... ***Petitioner***

Mr.Mohit Agarwal, Amicus Curiae
-versus-

Union of India and Others

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

Mr.M.S.Sahu, A.G.A.
Mr.S.K.Dalai, Advocate for Intervenor

**CORAM:
THE CHIEF JUSTICE
JUSTICE B. P. ROUTRAY**

**ORDER
13.04.2021**

Order No.

53

1. This matter is taken up by video conferencing mode.
2. An affidavit has been filed on 1st March, 2021 by the Chief Executive, Chilika Development Authority (CDA) in which *inter alia* certain timelines were set out for removal of illegal prawn gherries in four districts i.e., Puri, Ganjam, Khurda and Kendrapara. In a tabular column as under:

District	Remaining Total Gherry Area in Ha.	Timeline of completion of the eviction
Puri	10642.57	31.12.2021
Ganjam	266.21	31.05.2021
Khurda	1223.00	31.05.2021
Total	12131.78	

Kendrapara	225.00	30.04.2021
------------	--------	------------

3. This Court had in its order dated 18th March, 2021 taken note of the fact that Task Force Committees have been constituted by the Collectors of Puri, Ganjam and Khurda districts as well as the Collector, Kendrapara. The Court directed that the Collectors should call for daily reports by e-mail to effectively monitor the progress of the work of demolition of the illegal prawn gherries. The Collectors were asked to submit every two days a report to the Office of the Advocate General to enable this Court to be apprised of the progress.

4. Since then affidavits have been filed on 9th April, 2021 by the Tahasildar, Chilika stating that as far as Khurda district is concerned, two gherries over an extent of 7.1 Hecs. in village Hatabaradihi and 4.2. Hecs. in village Nimuna have been removed. It is stated that on 25 March, 2021, the Committee had demolished gherries covering areas 17.047 Hec. Given the total area where gherries exist in Khurda district is 1223 Hectares, clearly the rate of progress is not satisfactory.

5. An affidavit has been filed by the Tahasildar, Ganjam on 9th April, 2021 in which *inter alia* it is pointed out that three illegal prawn gherries tanks involving 7.03 Hec. have been summarily evicted. So here again given the total area of 266.21 Hec., and with a deadline of 31st May, 202, the rate of progress is not satisfactory.

6. A third affidavit dated 9th April, 2021 has been filed by the Collector & District Magistrate, Puri where *inter alia* it is stated that on account of the by-election in the Pipili constituency, eviction work could not be taken up. In other words, absolutely no work has undertaken to meet the deadline for eviction of illegal prawn gherries. The Court notes that no affidavit has been filed in regard to the work undertaken in the Kendrapara district.

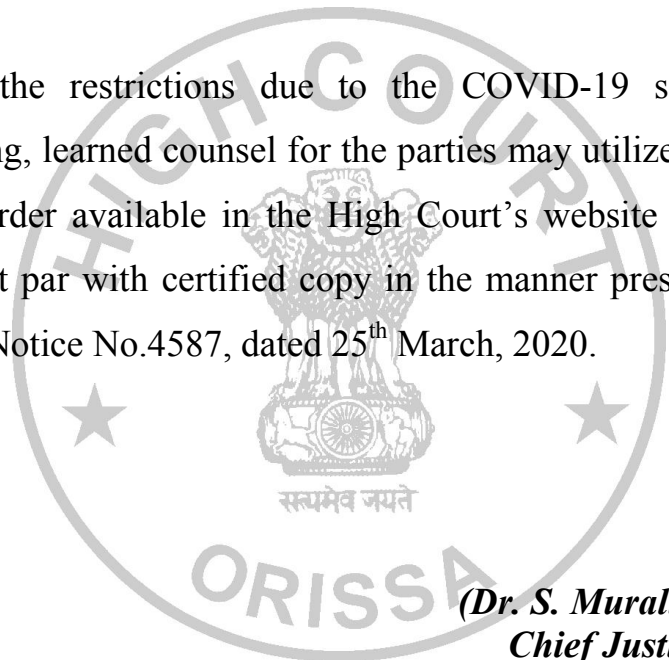
7. It appears to the Court that the issue is not receiving the kind of urgent attention that it requires and despite the earlier orders of this Court not enough is being done to remove the illegal prawn gherries over such vast areas in the four districts. It may be noted here that the deadline for removal of prawn gherries in Kendrapara was 30th April, 2021 and there is no affidavit of compliance with the deadline.

8. Expressing its deep concern about the poor progress made in removal of illegal prawn gherries, which is essential to revive the drinking water sources for Odisha, the Court directs that the Chief Secretary, Government of Odisha shall convene a meeting whether in physical or virtual mode of the Collectors of Puri, Ganjam, Khurda and Kendrapara along with the Chief Executive of the CDA and the learned Advocate General within the next one week and in any event not later than 21st April, 2021 at a time that is mutually convenient for all of them. The purpose of the meeting is to come up with a detailed plan of action to ensure that the work of removal of the illegal prawn gherries in the four districts aforementioned is taken up on an urgent basis, the efforts

redoubled, revised deadlines be fixed and strictly adhered to. The Court requests the Chief Secretary to personally oversee the progress since it deserves urgent attention and has been neglected for too long. The Court would like to see real progress on the ground through the status reports that will be filed by the Collectors of each of the districts of Puri, Khurda, Ganjam and Kendrapara before this Court by the next date.

9. List on 28th April, 2021.

10. As the restrictions due to the COVID-19 situation are continuing, learned counsel for the parties may utilize a soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed, vide Court's Notice No.4587, dated 25th March, 2020.



(Dr. S. Muralidhar)
Chief Justice

(B.P. Routray)
Judge