

IN THE HIGH COURT OF ORISSA AT CUTTACK

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

***The Registrar Judicial, High Court of
Orissa***

.... ***Petitioner***

Mr. Mohit Agarwal, Amicus Curiae
-versus-

Union of India and Others

.... ***Opp. Parties***

Mr. A. Parija, Advocate General,
Mr. M. S. Sahoo, AGA and
Mr. S. K. Dalai, Advocate for Intervener

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

**ORDER
29.04.2021**

Order No.

54. 1. The matter is taken up by video conferencing mode.
2. In the affidavit filed on behalf of Collector, Kendrapara (Opposite Party No.12) reference has been made to certain pending writ petitions in this Court and the fact that some of the prawn gheries could not be demolished in view of the orders passed in those writ petitions. Those writ petitions are W.P.(C) Nos.17368 of 2019, 14689 of 2021, 14447 of 2021, 17157 of 2019, 14399 of 2021 and 14411 of 2021. In order that there should be no conflicting orders passed in relation to the said prawn gheries, it is directed that the aforementioned writ petitions be listed before this Bench on the next date with notice to the counsel appearing for the Petitioners in each of those cases.

3. The Court also notes that fresh timelines have been set out in the affidavits filed on behalf of Collector, Kendrapara as well as Collector and District Magistrate, Puri.

4. However, Mr. Mohit Agarwal, learned Amicus Curiae (AC) points out that the effective steps for demolition of illegal prawn gheries in Puri is yet to take place. He seeks to place on record photographs which would go to show the ground realities.

5. There are certain photographs enclosed with the affidavit filed on behalf of the Assistant Conservator of Forests and in-charge Divisional forest Officer, Chilika Wildlife Division to show that steps have been taken to demolish the illegal prawn gheries in the Rambha Wildlife Range at Naba. However, Mr. Agarwal, learned AC points out that within a couple of days of the removal of the said gheries, they re-emerged and he has photographs to that effect. He points out that since the demolished materials are left at the location, and there is no effective patrolling, the villagers are able to re-erect the gheries overnight.

6. The Court notes that in the recent meeting convened by the Chief Secretary, as explained in the affidavit dated 26th April, 2021 of the Chief Executive, Chilika Development Authority, it has been decided that there will be one platoon of dedicated police force of Puri and additional forces as and when required to enable to Collectors to comply with the orders of this Court as per the time lines and remove the encroachments. The Court would like to impress upon the D.G., Police to ensure that the additional forces

be deployed immediately so that there is no re-emergence of the illegal prawn gheries after their removal. This can be ensured only by constant patrolling of these areas by the additional forces.

7. The progress of the work be reported as per the earlier directions of this Court by each of the Collectors of Puri, Ganjam, Kendrapara and Khurda filing fresh status reports at least three days prior to the next date.

8. The Court notes that the Opposite Parties have asked the learned AC also to be present at the next meeting. Mr. Ashok Parija, learned Advocate General assures the Court that since the litigation is essentially non-adversarial, all the suggestions of learned AC will be attended to with the seriousness that they deserve.

9. The Court would like to reiterate that the Opposite Parties must, without any unnecessary delay, register criminal cases against the offenders, as was earlier directed, as otherwise there would be no deterrence against the continued illegal activity. The Court directs each of the Collectors to include in their status reports the progress in this regard as well.

10. List on 24th May, 2021 before the Vacation Bench.

11. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par

with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No. 4798, dated 15th April, 2021.

(Dr. S. Muralidhar)
Chief Justice

(B.P. Routray)
Judge

M.K. Panda/K.Majhi

