

IN THE HIGH COURT OF ORISSA AT CUTTACK

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

Registrar (Judicial), Orissa High Court, Cuttack **Petitioner**

Mr. Mohit Agarwal, Amicus Curiae
-versus-

Union of India and others **Opposite Parties**

Mr.M.S. Sahoo, A.G.A.

Mr.P.K. Parhi, A.S.G.

Mr.S.K. Nayak-2, Advocate for Intervenors

Mr.M.K. Mohanty, Advocate for Interbvenors

Mr.S.K. Sarangi, Advocate for Intervenors

CORAM:
THE CHIEF JUSTICE
JUSTICE B. P. ROUTRAY

ORDER
27.07.2021

सत्यमेव जयते

Order No.

I.A. No.7321 of 2021

57.

1. This matter is taken up by video conferencing mode.

2. This is an application for intervention by 9 persons, who state that they are cultivating prawns on their own land and this is the only source of their livelihood and that they are not causing any pollution whatsoever. Copies of the Record of Rights have been enclosed as Annexure-1.

3. Before passing any further orders, the Court would like the local administration to confirm the above averments in this application.

4. Issue notice.

5. Mr. M.S. Sahoo, learned Additional Government Advocate (AGA) accepts notice. A copy of the application be served on Mr. Sahoo forthwith to enable him to obtain instructions in the matter.

I.A. No.9733 of 2021

6. This is an application for intervention by 17 persons, who are residents of various villages in Kendrapara district, who state that they have excavated ponds in their own lands and have been cultivating prawns by using modern technology.

7. Issue Notice.

8. Mr. M.S. Sahoo, learned AGA accepts notice. A copy of the application be served on Mr. Sahoo forthwith to enable him to obtain instructions in the matter.

I.A. No.8468 of 2021

9. This is an application by 17 persons, who are residents of various villages in Kendrapara district, who also state that they are lawfully engaged in prawn culture.

10. A copy of the application be served on Mr. M.S. Sahoo, learned AGA forthwith to enable him to obtain instructions in the matter.

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

11. Despite clear directions issued by this Court on 22nd June, 2021 that the Collectors of Puri, Ganjam, Kendrapara and Khurda

will file updated status reports by way of affidavits on the action taken to remove the illegal prawn gheries, an affidavit has been filed only by the Tahasildar, Ganjam yesterday, i.e., 26th July, 2021 with a copy to Mr. Mohit Agarwal, learned Amicus Curiae (AC).

12. Mr. M. S. Sahoo, learned AGA states that the affidavits of the other three Collectors of Puri, Kendrapara and Khurda have been filed today. However, the copies thereof have not come on record. They have not also been served on the AC. A direction is issued to bring the said affidavits on record and copies thereof to be served forthwith on the AC.

13. The AC points out that although photographs of removal of prawn gheries have been enclosed with the affidavit filed by the Tahasildar, Ganjam, they do not show that the authorities have seized the equipment that facilitates the running of such illegal prawn gheries viz., the Diesel Generator sets, Aerators, Water Pipes, Electricity wires and other incriminating materials. The AC points out that unless they are also seized, the illegal gheries would in all likelihood spring up at the same place soon after their removal.

14. The Court accepts the above submission of the AC and directs each of the Collectors in the four districts will ensure the seizure of all the above equipments and any other device which facilitate the operation of illegal prawn gheries. They will file further affidavits before the next date to confirm that clear instructions have been issued to the raiding/enforcement teams in this regard.

15. The AC also points out that the satellite verification in Kendrapara district has still not been undertaken despite the directions issued by this Court on 31st May, 2021.

16. The Collector, Kendrapara is once again directed to report compliance of the above direction by the next date.

17. Because of paucity of time in the regular Bench, all the counsel agree that the matter can be listed at a special sitting on any Saturday.

18. Accordingly, list this matter before this Bench on 14th August, 2021 at 10.30 A.M.

19. The Collectors of Puri, Kendrapara, Khurda and Ganjam shall remain present in virtual mode on that date.

20. 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