

IN THE HIGH COURT OF ORISSA AT CUTTACK

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

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

Mr. Mohit Agarwal, Amicus Curiae
-versus-

Union of India and Others* *Opposite Parties

Mr. P.K. Parhi, ASGI
along with Mr. S. S. Kashyap, CGC for Union of India
Mr. Debakanta Mohanty, AGA with
Mr. T. Patnaik, ASC and Mr. S.N. Das, ASC for the State,
Mr. Manoj Kumar Mohanty, Advocate

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

**ORDER
17.11.2021**

Order No.

I. A. Nos.12966 of 2019, 16992 of 2019, 10007 of 2021, 10844 of 2021, 11070 of 2021, 12654 of 2021, 12735 of 2021, 13050 of 2021

61. 1. Issue notice.
2. Mr. Debakanta Mohanty, learned Additional Government Advocate (AGA), accepts notice for the State. Copies of each of these applications (and one additional copy where copies have earlier been served) shall be supplied by learned counsel for the applicants to him within three working days. He states that he will prepare a tabulated chart by the next date showing the exact status of each of the plots and whether according to the State, they fall within the prohibited zone or not. Additionally Mr.

Mohanty is permitted to collect on a pen drive from the Registry a soft copy of the entire petition and all pending applications.

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

3. Pursuant to the order passed yesterday i.e. 16th November, 2021, Mr. Samarth Verma, IAS, the Collector & District Magistrate, Puri as well as the Superintendent of Police (SP), Puri are present in virtual mode. The Collector has placed on record photographs to show that the illegal prawn gherries, the photographs of which was shown yesterday to the Court, have been removed this morning. He assures to the Court that the platoon, who has been deputed for the particular task, will visit the spot every morning for the next 10 days to ensure that the illegal prawn gherries are not re-erected. He also assures the Court that he will augment the existing resources so that there is a continuous patrolling on the stretch of the coastal area to ensure that the illegal prawn gherries that have been removed are not re-erected and no fresh one is erected either. The SP, Puri has assured the Court that he will have a special orientation given to the Members of the Task Force/Enforcement Team so that they are made to understand that they were working not only for the local administration but for the High Court as well, as far as the implementation of its orders are concerned.

4. The Collector, Puri has informed the Court that a fresh F.I.R. has been registered as regards the re-erecting of the illegal prawn gherries yesterday, which has been removed this morning. He states that the provisions of the Prevention of Damage to Public

Property Act have been invoked apart from other Sections of the IPC. He assures that the District Administration will remain vigilant as regards the pleas for bail sought by the accused.

5. The Court would like to make it clear to not just the local administration in Puri but those in the Districts of Ganjam, Kendrapara and Khurda, that no effort must be spared to ensure strict implementation of this Court's orders. If there is any obstruction caused by anyone in that regard, it should be brought to the notice of the Court so that appropriate action can be initiated against the violators for wilful disobedience of the Court's orders.

6. Mr. Amrit Raturaj IAS, the Collector, Kendrapara and S.P., Kendrapara are present. The affidavit of the Collector, Kendrapara only gives the overall figures of the illegal prawn gherries demolished without indicating the names of the violators, the details of the cases registered, the videographs/photographs of the actual demolition operation of such illegal prawn gherries, and the materials seized during such demolition. A comprehensive affidavit shall be filed by the Collector, Kendrapara by the next date giving all of the above details.

7. Further, the Collector and S.P., Kendrapara as well as the Collector and S.P. Puri have stated before the Court that they will revitalize the intelligence resources so that the vigilance

regarding re-emergence of the illegal prawn gherries can be checked and prevented. All of them have acknowledged that this is a serious issue and that they will redouble their efforts to ensure that illegal prawn gherries once demolished will not reemerge. The steps taken in both these Districts be placed on record before the next date by way of an affidavit.

8. As regards the disposal of the applications made to the District Level Committee (DLC) of the Coastal Aquaculture Authority of India (CAAI), the Court has been shown the proceedings of the 22nd DLC meeting held at Kendrapara on 22nd September, 2021. The Collector, Kendrapara informs the Court that the recommendations of DLC have now been sent to CAAI in Chennai for its final decision.

9. Mr. P. K. Parhi, learned Assistant Solicitor General of India states that pursuant to the previous order dated 14th August, 2021, he had written to the Secretary, Ministry of Agriculture and Farmers Welfare, Government of India with a copy to the Cabinet Secretary, Union of India for specific instructions on the appointment of the Chairperson and Members of the CAAI. However, he is yet to receive instructions. He assures the Court that he will send a reminder today itself and also follow up the request over phone so that necessary steps can be taken with regard to the appointment of the Chairperson and Members of the CAAI without any delay.

10. The Secretary, Ministry of Agriculture and Farmers Welfare, Government of India, is requested to remain present in virtual mode on the next date of hearing to apprise the Court on the steps taken in this regard. Mr. Parhi, learned ASGI undertakes to inform the Secretary, Ministry of Agriculture and Farmers Welfare of today's order as well as the previous order dated 14th August, 2021 by tomorrow i.e. 18th November, 2021. Independently, the Registrar General of this Court will communicate this order to the Secretary, Union Ministry of Agriculture and Farmers Welfare forthwith.

11. Learned counsel(s) for the parties are permitted to collect soft copies of the pleadings from the Registry by providing pen drives.

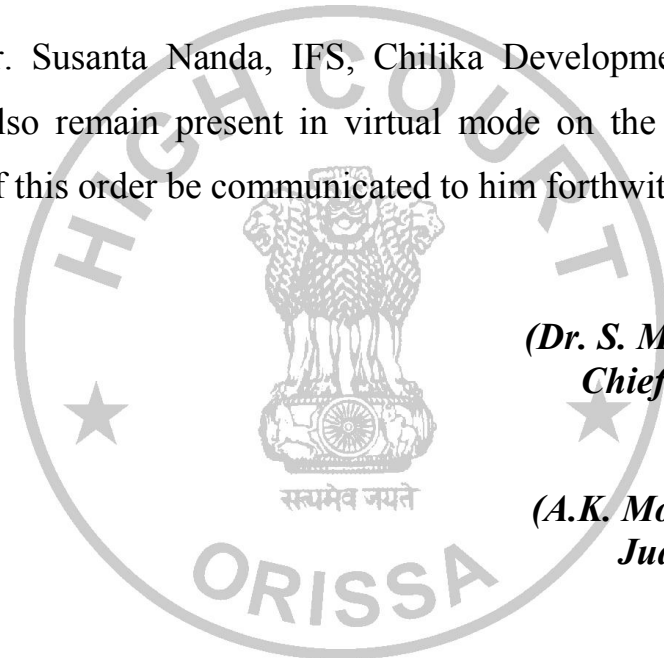
12. The Court is informed that satellite images have been received by the Collectors Puri and Kendrapara. Both of them inform the Court that they are examining the said images and will take appropriate action on that basis. The Secretary, Forest, Environment and Climate Change Department and the Secretary, Fisheries & Animal Resources Development Department, Government of Odisha will convene a meeting of the Collectors of Khurda, Puri, Ganjam and Kendrapara in the next 10 days and chalk out a programme of action on the basis of the satellite images received. The report placed before the Court by the next date should show the 'before and after' pictures of the ground level after action has been taken.

13. List on 22nd December, 2021 at 2 PM.

14. The interim order passed on 14th August, 2021 vis-à-vis the interveners will continue till the next date.

15. The Collectors of Khurda, Ganjam, Kendrapara and Puri as well as the SPs of each of the Districts shall remain present before this Court on the next date in virtual mode.

16. Mr. Susanta Nanda, IFS, Chilika Development Authority shall also remain present in virtual mode on the next date. A copy of this order be communicated to him forthwith.



(Dr. S. Muralidhar)
Chief Justice

(A.K. Mohapatra)
Judge

M. Panda