

IN THE HIGH COURT OF ORISSA AT CUTTACK

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

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

Mr. Mohit Agarwal, Amicus Curiae

-versus-

*Union of India & others* .... *Opp. 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**  
**22.12.2021**

**Order No.**

62. 1. At the outset, counter affidavit has been filed by the Deputy Commissioner (Fisheries), Department of Fisheries, Government of India, enclosing letter dated 25<sup>th</sup> October, 2021 issued to Justice Amar Singh Chauhan informing him of his appointment of Chairperson, Coastal Aquaculture Authority (in short 'CAA').
2. Mr. P.K. Parhi, learned Assistant Solicitor General of India informs the Court that Justice Chauhan has since assumed office as Chairperson of the CAA. Also enclosed with the above affidavit is a copy the Gazette Notification dated 6<sup>th</sup> December, 2021 issued by the Department of Fisheries whereby the Central Government has appointed in exercise of power under sub-

section (3) of Section 4 of the Coastal Aquaculture Authority Act, 2005 ('CAA Act'), the Chairperson and Members of the CAA. Mr. Parhi, learned Assistant Solicitor General of India states that the CAA is now properly constituted and operational.

3. Dr. V. Kripa working as Member Secretary of CAA has filed an affidavit enclosing the notifications issued from time to time constituting the members of the CAA and also notification 23<sup>rd</sup> January, 2006 defining the 'coastal area' under the CAA Act. In paragraph 20 of the affidavit, it is stated that the concerned District Level Committees (DLCs) have to first scrutinize the applications for grant of licence to operate the aquaculture farms. The DLCs will then send their reports to the office of the CAA for its decision under sub-section (1) (d) of Section 11 of the CAA Act.

4. Dr. Kripa appeared in virtual mode today and informed the Court in respect of 47 applications received from DLC Kendrapara, clarifications have been sought. She states the applications received from the DLCs at Puri and Ganjam have already been examined and the decisions thereon will be communicated to the respective DLCs shortly. She further states that as and when applications are received from the DLCs they will be processed and dealt with in terms of Regulation 13 of the CAA Regulations.

5. The Collectors of Khurda, Ganjam, Kendrapara and Puri Districts appeared in virtual mode and informed the Court that

they will follow up with the CAA the pending applications, if any.

6. A grievance is made by both Mr. Agarwal, the Amicus Curiae and Mr. Dalai that despite the action taken pursuant to the orders of this Court, there is constant re-emergence of illegal prawn gheris particularly in the Chilika area. The DM and the Superintendent of Police (SP), Puri appearing in virtual mode have assured the Court that patrolling by a Special Platoon is in progress and very soon an additional platoon will be deployed. They have stated that their contact numbers are in the public domain and that as and when they receive information from anyone about an illegal prawn gheris being operated in the Chilika area, they will take prompt action. In order to test whether this system is able to be effective, the Court directs Mr. Dalai to contact at least five of the villagers who have been instructing him to send to the Collector and the SP, Puri photographs and video clippings of any of the illegal prawn gheris operating in the Chilika area on daily basis for at least five days. Details of the action taken thereon will be placed before this Court by the Collector and SP, Puri by the next date.

7. The SP, Puri informs the Court that the area of reemergence of the illegal prawn gheries is large and requires deployment of additional forces. He states that he will request the Director General of Police (DGP) for deployment of additional forces. The DGP is requested to examine the request on urgent basis and

deploy additional forces as required to stop the reemergence of prawn gheris.

8. The CEO of the Chilika Development Authority (in short 'CDA') participated in the virtual hearing and assured the Court that a team of the CDA will constantly monitor the situation and informing the Collectors, Khurda, Puri and Ganjam about reemergence of any illegal prawn gheris and send them video clippings and the exact location map so that immediate corrective action can be taken.

9. The Court would like to request the Collectors of the four districts i.e. Khurda, Puri, Ganjam and Kendrapara to place before the Court the date stamped satellite imagery pictures superimposed with cadastral maps as on 31<sup>st</sup> December, 2021 indicating the high tide line (HTL) and with reference to the HTL, the precise location of the prawn gheris including the location of those that have been removed in the past two to three months.

10. The CEO, CDA, as well as the Collectors and SPs of Police of Khurda, Puri, Ganjam and Kendrapara Districts are requested to remain present in virtual mode on the next date of hearing i.e. 18<sup>th</sup> January, 2022 at 2 pm.

**I.A./ M.C. 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, 18110 of 2021, 18296 of 2021, 18360 of 2021, 18800 of 2021, 18770 of 2021,15597 of 2017, 7321 of 2021, 8648 of 2021, 9733 of 2021, 13560 of 21, 13646 of 2021 and 13647 of 2021**

11. Heard learned counsel for the intervenors.

12. Notice. Mr. D.K. Mohanty, learned Additional Government Advocate accepts notice.

13. Mr. D.K. Mohanty, learned Additional Government Advocate (AGA) states that as far as interveners are concerned, the exercise of verification of the location of the aqua farms of the interveners vis-à-vis the high tide line has been completed and presented in a tabular form. Soft copy of the counter affidavit together with the said tabulation be provided to the counsel in for the interveners within three days. All the learned counsel for the interveners will provide their mobile numbers to Mr. D.K. Mohanty, learned Additional Government Advocate for obtaining soft copies.

14. In the fresh applications, it is directed that no coercive action be taken against the applicants till the next date. As regards the earlier applications, the interim order already passed will continue till the next date.

15. An urgent certified copy of this order be issued as per Rules.

***(Dr. S. Muralidhar)***  
***Chief Justice***

***( A.K. Mohapatra )***  
***Judge***