

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
Mr. Debakanta Mohanty, AGA and Mr. Tarun Patnaik, ASC
Mr. Akhaya Biswal, Advocate (In I.As.13647, 18110, 18770 &
19200 of 2021 and I.As.1583 and 732 of 2022)
Mr. Bishnu Prasad Pradhan, Advocate
(in I.A. No.4462 of 2022)
Mr. B. Jalli, Advocate (In I.A. No.18361 of 2021)

CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAİK

ORDER
04.05.2022

Order No.

66. **I.A. Nos. 4600, 4602, 4609, 4606, 4612, 4613, 4959, 5362, 5363, 5364, 5365, 5375, 5490, 5491, 5493, 5575 and 5809 of 2022**

1. All the above mentioned applications are disposed of in terms of the order dated 4th April, 2022.

I.A. Nos.13647 and 18110 of 2021 &

I.A. No.5774 of 2022 & I.A. No.5545 of 2022

2. Additional copy of the above applications be served on Mr. Debakanta Mohanty, learned Additional Government Advocate during the course of the day. Replies be filed within one week.

I.A. Nos. 18770, 18360, 19200 of 2021 & I.A. Nos.1583 and 732 of 2022

3. Replies have been filed in all the above IAs stating that wherever the shrimp farms are beyond 200 meters of the High Tide Line

(HTL), no action would be taken. However, Gherries and earthen ponds which are within 200 meters of the High Tide Line, would be demolished.

4. In view of the above clarification, the appropriate action is permitted to be taken by the Opposite Parties in the event the Prawn Gherry and the earthen ponds are within 200 meters of the High Tide Line.

5. The applications are disposed of in the above terms.

I.A. No.4462 of 2022

6. There is a dispute as whether the applicants' Pisci culture ponds are within 100 meters of the High Tide Line or beyond. Since this is a disputed question, the Court directs a joint inspection to be undertaken by the representatives of the Petitioner as well as the Fisheries Department along with the Tahasildar of the spot and correctly earmark area which is falling within 100 meters of the High Tide Line and those that are falling beyond. This exercise be undertaken within the next fifteen days on mutually convenient dates, to be communicated to the parties at least three days in advance. The report of the joint inspection be placed before the Court on the next date.

I.A. No.18361 of 2021

7. Reply of the State has been handed over to learned counsel for the Applicant who is permitted to file rejoinder before the next date.

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8. An affidavit has been filed by the Tahasildar, Ganjam on 29th April 2022, *inter alia* stating that the joint visit was undertaken on 6th & 7th April, 2022 to the areas to examine if there is re-

emergence of illegal Prawn gherris. It is stated that “the use of Khanda does not lead to any adverse effect on the aquatic ecosystem”. It is stated that the inspecting team “did not find any Prawn gherry with Zero net”. The Photographs of the inspection have also been enclosed.

9. Mr. Mohit Agarwal, learned Amicus Curiae states that he will hand over to Mr. D.K. Mohanty, learned AGA, the literature concerning steps to be taken to avoid over exploitation of the resource for the purpose of fishing or Prawn culture. On the next date, an affidavit will be filed on this aspect by the Tahasildar, Ganjam.

10. The Tahasildar, Tangi, District Khurda has filed an affidavit on dated 2nd May 2022, *inter alia* stating that in compliance to the directions issued by this Court on 6th April 2022, a 24-hour help line number has been made operational at the Collectorate, Khurda to enable the public to report about illegal Prawn gherries. It is further stated that the coastline of the Chilika Lake is under regular patrolling and no re-emergence of gherries in any form whatsoever has come to the notice of the administration. It is stated that the demolition drive is being conducted to evict the earthen gherries within the 200 meters of the HTL known as ‘No Development Zone’. The figures of demolition of earthen gherries after the previous hearing on 6th April 2022 have been set out as part of the affidavit. For the present, no further directions are called for as far as the Khurda district is concerned.

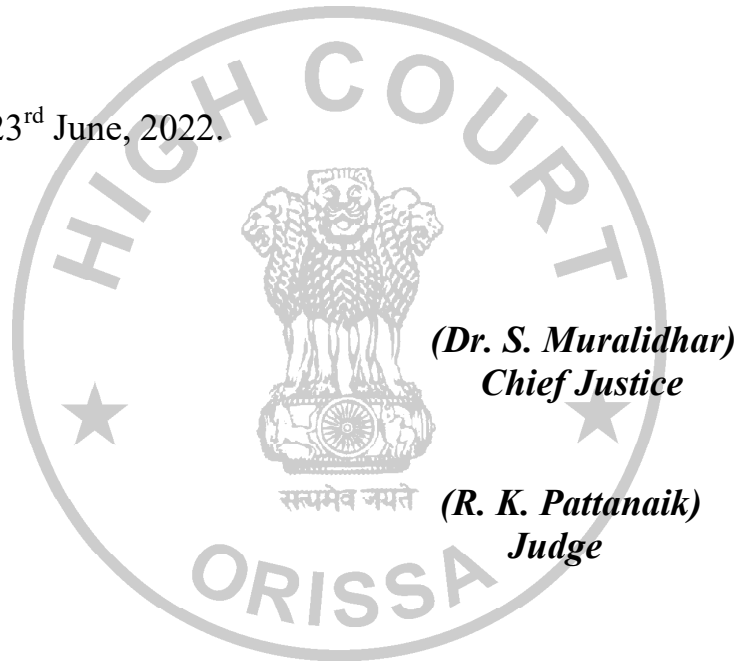
11. The affidavit filed by the Deputy Collector (Revenue), Kendrapara Collectorate, dated 2nd May 2022 has been perused. This is more or less in the same lines as the affidavit filed on behalf

of the Collector, Khurda. It sets out the developments that have taken place since the last hearing.

12. The affidavit of the Collector, Puri reflects that good progress has been made in the implementation of the Court's directions. Photographs of the process of eviction of illegal gherries have been enclosed with this affidavit. FIRs have also been lodged against the violators.

13. The Court would like to emphasize that these efforts must be kept going to ensure that there is no re-emergence of illegal Prawn gherries.

14. List on 23rd June, 2022.



S. Behera