

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. P.K. Parhi, ASGI
Mr. D.K. Mohanty, AGA
Mr. Akhaya Biswal, Advocate

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAİK**

ORDER
11.08.2022

Order No.

I.A. No.13647 of 2021

70.

1. Mr. Akhaya Biswal, learned counsel for the Applicant states that he will serve one more copy of this application on Mr. D.K. Mohanty, learned AGA by tomorrow. Replies be filed within four weeks. Rejoinder thereto, be filed before the next date i.e. 15th September, 2022.

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Krushnaprasad Tahasil

2. The Amicus Curiae (AC) Mr. Mohit Agarwal has drawn the attention of the Court to the emergence of illegal prawn gherries in the Krushna Prasad Tahasil by presenting four photographs of such illegal gherries in the Pattanasi area. These photographs have been sent to Mr. D.K. Mohanty, learned AGA as well as Mr. Samartha Verma, Collector, Puri

who has joined the proceedings online. In addition, Mr. S.K. Dalai, learned counsel has also drawn attention to the fact that the illegal hatcheries that were ordered to be removed by this Court earlier, have re-emerged.

3. In an affidavit filed today by the Collector, Puri, it has been stated in para 7 that F.I.Rs. have been lodged against Gopal Bisoi son of Saratha Bisoi of village Patanasi for constructing unauthorized net gherries in an area of Ac.25.00 acres and against Sri Abhimanyu Behera son of Jutia Behera of village Patanasi for constructing unauthorized net gherries in Mouza-Patanasi for an area of Ac.5.00 acres as per the provisions of PDPP Act.

4. The Court directs Mr. Verma, Collector, Puri to immediately institute an enquiry into how the illegal prawn gherries have come up even while there is patrolling of the area and fix the role, if any, of the local administration including the Revenue Inspector and the Tahasildar of Krushna Prasad in facilitating such illegal activities. The Court would like to see on the next date the videos of the removal of the illegal prawn gherries that have been shown in the photographs to the Court today. Mr. Verma states that he will present such videos on the next date of hearing.

5. For reporting compliance on this aspect list on 17th August, 2022 at 2 pm.

Rajkanika Tahasil, Kendrapara

6. An affidavit has been filed by the Deputy Collector, Kendrapara updating the current status of the demolition of illegal prawn gherries. It is stated in this affidavit that 76 plots identified covering an area of Ac. 319.67 decimals demolition has been carried out in 53 within an area of Ac.282.14 decimals and the rest would be demolished after the monsoon season is over.

7. The learned AC on the other hand has presented photographs which show that in one particular illegal prawn gheri in Taradeipur, Rajkanika Tahasil only one side of wall over 10 feet length has been removed whereas the three sides of the pond are still left intact. As correctly pointed out by the learned AC, this kind of demolition will not serve the purpose at all it will be easy for those carrying out the illegal operation to reconstruct the 10 feet length of the wall that has been removed to make the pond functional again in Taradeipur, Rajkanika Tahasil.

8. The Collector, Kendrapara is directed to immediately arrange for his teams to revisit the sites of the 53 illegal prawn gherries that were demolished and ensure that the demolition task is complete by draining out the water and leveling the ground so that the ponds for the illegal prawn gherries do not re-emerge. A compliance affidavit shall be filed immediately in this Court and the photographs in proof thereof be presented

on the next date of hearing. This matter too will be taken up on 17th August 2022 at 2 pm.

Water quality testing

9. A direction had been issued by this Court on 30th June, 2022 to the Orissa State Pollution Control Board (OSPCB) to test the quality of the water in both the Chihlika lake as well as the Bhitarkanika.

10. Mr. Santi Prakash Mohanty, learned counsel appearing for the OSPCB states that a copy of the order of this Court had not been received by the OSPCB. However, the Office noting indicates that it was delivered to the OSPCB on 28th July, 2022 itself.

11. Since this order has been passed in the presence of Mr. Mohanty who is present online, it will be his responsibility to immediately communicate this order as well as the previous order dated 30th June, 2022 which is available on the net immediately to the OSPCB for compliance. The Secretary, OSPCB will remain present online on the next date of hearing. Meanwhile the test reports will be placed before this Court along with an affidavit before the next date.

12. For this purpose, list on 15th September, 2022.

13. A copy of this order be delivered forthwith to the Collectors of Puri and Kendrapara as well as the Secretary, OSPCB for compliance.

14. List on 17th August, 2022 at 2 pm for reporting compliance in terms of paras 4 and 8. List on 15th September, 2022 at 2 pm for the other matters.



(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

KC Bisoi