IN THE HIGH COURT OF ORISSA: CUTTACK

W.P.(C) No.7118 of 2021

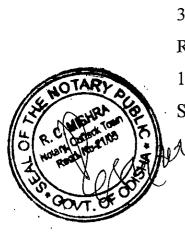
In Re: Olive Ridley Turtles

AFFIDAVIT OF REGIONAL CHIEF CONSERVATOR OF FORESTS, BHUBANESWAR IN COMPLIANCE ORDER DTD. 19.03.2021 :

I, Sri Manoj Mahapatra, aged about 58 years, Son of Late Nabin Chandra Mahapatra at present working as Regional Chief Conservator of Forests, Bhubaneswar, Silviculture Garden, At/P.O.: Ghatikia, Bhubaneswar, Dist.: Khurda, do hereby solemnly affirm and state as follows:

- 1. That, I am working as Regional Chief Conservator of Forests, Bhubaneswar.
- 2. This Hon'ble Court Vide Order No.5, dtd. 19.03.2021 directed the deponent to personally oversee the steps taken and to ensure strict compliance of the Hon'ble Court's Order. Further, the concern of Amicus Curiae as indicated in Para-5 of Report dtd. 19.03.2021 need be addressed.
- 3. That, it is submitted that the DFO, M.F.D. (WL), Rajnagar was advised vide letter No.1161, dtd. 19.03.2021 (Annexure A) to move the Superintendent of Police, Bhadrak for arrest of Makhan

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Mandal an accused in assault of patrolling boat in Gahirmatha Marine Sanctuary on 15.03.2021. D.F.O. was also advised to get the patrolling boat Maa Padmalaya-1 be repaired immediately. He has also been directed to move the Deputy Commandant Coast Guard for increasing their sorties in Gahirmatha Coast.

The DFO, M.F.D. (WL), Rajnagar was informed Vide letter No.1186, dtd. 22.03.2021 (Annexure – B) about the concern of the Amicus Curiae by providing list of offenders to Superintendent of Police, Kendrapara.

The Deputy Commandant Coast Guard, Paradeep was moved Vide letter No.1189, dtd. **22.**03.2021 (**Annexure** – **C**) to enhance the sorties as mass nesting has commenced since 15.03.2021.

The DFO, M.F.D (WL) Rajnagar was asked Vide Memo No.1192, dtd.22.03.2021 (Annexure – D) to take the assistance of personnel of Marine Police Station for patrolling in Forest Department boat of his Division & Bhadrak (WL) Division.

The Additional Director of General, Police, Railway & Coastal Security of Odisha was moved Vide Memo No.1249, dtd. 24.63.2021 (Annexure –E) to allot patrolling boat to Marine Police Stations at Talchua, Tentiapal & Jamboo.

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- 4. That, the Sea Patrolling boat "Maa Padmalaya-1" was repaired & resumed in patrolling in Gahirmatha Marine Sanctuary w.e.f. 25.03.2021 as intimated by the D.F.O., Mangrove Forest Division (WL), Rajnagar vide Memo No.2126, dtd. 27.03.2021 (Annexure F).
- 5. That, the Additional Inspector General, Police Marine & Coastal Security Vide letter No.291, dtd. 31.03.2021 (Annexure G) has communicated about deployment of Fast Interceptor Boat (FIB) to Talchua & Tantiapal Marine Police Stations. The DFO, M.G.D (WL) Rajnagar Vide letter No.1368, dtd. 31.03.2021 (Annexure H) was intimated about the deployment of Fast Interceptor Boat by AIG Marine & Coastal Security.
- 6. That, incidentally the mass nesting has commenced since 15.03.2021 & culminated on 24.03.2021. The sporadic nesting has started since 10.03.2021 during the current nesting season of Olive Ridley Sea Turtles. The total number of nesting Olive Ridley Sea Turtle is 3,49,649.

The date-wise data as nesting turtle in is filed herewith and annexed as **Annexure - I**.

7. That, since, 16.03.2021 till 04.04.2021 no seizure of fishing vessel was made for their illegal

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N 8 APR 2021

CLEARANCE entry or fishing in Gahirmatha Marine Sanctuary. I had personally contacted the Superintendent of Police, Kendrapara on 02.04.2021 along with Divisional Forest Officer, Mangrove Forest Division (WL) Rajnagar who is supervising the Talchua Marine Police Station Case No. 34 of 2021 and impressed for arrest of miscreant and seizure of the vessels. He was also given a copy of the letter dt. 31.03.2021 of AIG, Police on 02.04.2021 for necessary deployment of boats at disposal of Marine Police Station. Accordingly, on 03.04.2021 one FIB boat on Paradeep was deployed to Talchua Marine police Station by Superintendent of Police Jagatsinghpur from Marine police Station at Paradeep.

8. That, the deponent craves leave of this Hon'ble Court to file further Affidavit(s) for an effective adjudication by the Hon'ble Court. That, the facts stated above are true to the best of my knowledge, belief and based on available records.

Identified by whenth is speaked

Advocate's Cleri

A.G's Office.

Cuttack

Date: 08/04/2021

Certified that Cartridge papers are not available.

Manej Maheyputru

DEPONENT 8/4/2/

inly affirm on in oath by

Advocaterady's Clerkiaso, AG'S office/Notary Personally, that the facts stated ADDIa GOVERNMENT ADVOCATE

true to the beat of his fiver knowledge.

Q. C. MISHRA, Nesan Cultary Town Opishes

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OFFICE OF THE

REGIONAL CHIEF CONSERVATOR OF FORESTS, BHUBANESWAR CIRCLE, STATE SILVICULTURE GARDEN, AT/PO-GHATIKIA, Bhubaneswar-751029 Telephone-0674-2951175,2951174,e-mail.ID rccfbbsr@gmail.com

	Memo No \\	6\ 6F-50/2021.
т^	Dated, BBSR, the	19 ^{7k} March-2021.
Γο	The Divisional Forest	Officer,

Mangrove Forest Division (WL) Rajnagar.

Regarding assault in patrolling boat inside the Gahirmatha Marine Sanctuary. Sub:-

Ref:-Your Memo No. 1868/5f dt. 17.03.2021.

It is learnt from the memo under reference that a fishing boat named "New Janai-1" belonging to Dhamara fishing base has caused intentional injury to patrolling boat engaged by the Forest Department . Accordingly, you have registered F.I.R on Talchua Marine Police Station on dt. 16.03.2021.

Now, it is learnt that the fishing boat is a gillnetter owned by one Makhan Mandal of Bhadrak District. Further it is submitted by you that there is series of offence cases registered against Sri Mandal his father & other relatives.

- (1) In this circumstance, you are requested to move the S.P. Bhadrak for arrest of Makhan Mandal, S/o- Niranjan Mandal of Bhadrak District.
- (2) You should move the Section Judge, Kendrapara to cancel the interring release Order of the fishing boats who are habitual offenders to prevent such recurrence.
- (3) Since, the mass nesting has commenced the Coast Guard may be moved for increasing the frequency of sorties in the Gahirmath Coast.
- (4) If the patrolling boat supply by the DPCL could not be made functional after repair by 21st March 2021 than another boat may be hired and engaged by the DPCL immediately.

Bhubaneswar Circle.

Memo No. 1962 / dtd. 19.3.2021

Copy forwarded to the Principal Chief Conservator of Forests (WL) & Chief Wildlife Warden, Odisha, Bhubaneswar for his information with reference to Memo No. 1896 dt. 17.03.2021 of DFO, M.F.D (WL) Rajnagar.

I/c Regional Chief Conservator of Forests,

Bhubaneswar Circle.

6FCom. Other -Letter-2021

OFFICE OF THE

REGIONAL CHIEF CONSERVATOR OF FORESTS, BHUBANESWAR CIRCLE, STATE SILVICULTURE GARDEN, AT/PO-GHATIKIA, Bhubaneswar-751029

Telephone-0674-2951175,2951174,e-mail.ID rccfbbsr@gmail.com 1186

Memo No.

6F-50/2021.

Dated, BBSR, the

29 March-2021.

To

The Divisional Forest Officer. Mangrove Forest Division (WL) Rajnagar.

Order dt. 19.03.2021 by the Hon'ble High Court, Odisha in Writ Petition (C) PIL No. Sub:-7118 dt. 2021.

Please find enclosed herewith the copy of Order dt. 19.03.2021 issued by Hon'ble High Court for your kind reference & necessary action.

- (a) A copy report of submitted by Amicus Curiae dt. 19.03.2021 is enclosed for your reference. In the Item no. 5 in the said report it was prayed for allotting Additional Sections of armed police force to the Marine Police Station Talchua, Tantiapal, Jumbo.
- (b) The Superintendent Police, Kendrapara to supervise the Talchua Marine Police Station case No. 0034/2021 to be traced & proceed under provision of the law. Further, the other trawlers who has participated in the assault to Departmental Patrolling boat may also be traced & proceed under provision of the law.
- (C) The Superintendent Police, Kendrapara to provide with list of habitual offenders so that trial of these cases can be expedited.
- (d) The joint patrolling of Forest Deptt. and Marine Police Station Talchua, Tentiapal, Jumbo may be directed to use appropriates measure in case of life risk & self defense.
- (f) The Marine Police Station to be provided with boat and the damaged boat may be repaired within a week.

The Hon'ble High Court on the Order dt. 19.03.2021 has solicited updated status report to be placed before the Hon'ble Hihg Court on next date by the RCCF which is listed in 12.04.2021. It has asked to addressed the concern of Amicus Curiae.

Therefore, you are requested to intimate the present position in this regard.

Enclusive! As above

I/c Regional Chief Conservator of Forests.

Bhubaneswar Circle.

Memo No. 1127 / dtd. 22.02.2021.

Copy forwarded to the Principal Chief Conservator of Forests (WL) & Chief Conservator (WL)

I/c Regional Chief Conservator of Forests.

Bhubaneswar Circle.

6FCom. Other -Letter-2021

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ANNEXURE-C

OFFICE OF THE

REGIONAL CHIEF CONSERVATOR OF FORESTS, BHUBANESWAR CIRCLE STATE SILVICULTURAL GARDEN, GHATIKIA, BHUBANESWAR Phone / Fax- 0674-2354072, E.Mail ID rccfbbsr@gmail.com

Letter No. //8-9 /3F. Date.22.03.2021

To

The Dy. Commandant Coast Guard No.7, Coast Guard District Paradeep

Sub :- Regarding protection of Olive Ridley Sea Turtles in Gahirmatha Marine (Wildlife) Sanctuary

Sir.

It is appreciated that the co-operation of Indian Coast Guard has immensely helped in controlling illegal entry and fishing by trawlers and gillnetters in Gahirmatha Marine sanctuary in particular and Odisha Coast in general. As you will be aware the mass nesting has already commenced about a week ago and expected to continue for few days more.

I would request you to kindly enhance your sorties closure to the coast to prevent any tresspass of fishing vessels off Wheeler island and Gahrimatha coast.

Your co-operation will be highly solicited.

Thanking you.

Yours faithfully,

I/c. Regional Chief Conservator of Forests
Bhubaneswar Circle

Memo No. 1190 /3F. Dated 22.03.2021

Copy forwarded to the Divisional Forest Officer, Rajnagar Mangrove Forest Division, Rajnagar for information and necessary action.

I/c. Regional Chief Conservator of Forests
Bhubaneswar Circle

Memo No. //9//3F. Dated 22.03.2021

Copy submitted to the Principal Chief Conservator of Forests (WL) & Chief Wildlife Warden, Odisha, Bhubaneswar for favour of information.

I/c. Regional Chief Conservator of Forests
Bhubaneswar Circle

Regional Chief Conservator
Regional Chief Bhubaneswar

OFFICE OF THE REGIONAL CHIEF CONSERVATOR OF FORESTS, BHUBANESWAR CIRCLE STATE SILVICULTURAL GARDEN, GHATIKIA, BHUBANESWAR Phone / Fax- 0674-2354072, E.Mail ID recfbbsr@ginail.com

Memo No. 1192/3F. Date.22.03.2021

To

The Divisional Forest Officer Rajnagar Mangrove Forest Division Rajnagar

Sub :-

Protection of Olive Ridley during ensuing mass nesting season

As per the order dated 19.03.2021 of the Hon'ble High Court, Odisha I would like to advice that till the boats are provided to marine Police Stations of Talchua, Tantiapala & Jamboo the personnel of Marine Police Stations at Talchua, Tantiapal and Jambu may be taken in your patrolling boats engaged both by your Division and Bhadrak Wildlife Division.

Further The Speed Boat under maintenance may urgently be commissioned for sea patrolling.

I/c. Regional Chief Conservator of Forests
Bhubaneswar Circle

Memo No. 1193 /3F. Dated 22.03.2021

Copy forwarded to the Divisional Forest Officer, Bhadrak Wildlife Division; for information and extend necessary logistic support with the Divisional Forest Officer, Raajnagar Mangrove Forest Division, Rajnagar as and when required.

I/c. Regional Chief Conservator of Forests
Bhubaneswar Circle

Memo No. 1194 /3F. Dated 22.03.2021

Copy submitted to the Principal Chief Conservator of Forests (WL) & Chief Wildlife Warden, Odisha, Bhubaneswar for favour of information.

I/c. Regional Chief Conservator of Forests
Bhubaneswar Circle

Regional Chief Conservator of Forests, Bhubaneswar

OFFICE OF THE REGIONAL CHIEF CONSERVATOR OF FORESTS, BHUBANESWAR CIRCLE, STATE SILVICULTURE GARDEN, GHATIKIA, Bhubaneswar, Phone/Fax-0674-2951175 e-mail.ID recfbbsr@gmail.com

Memo No. 1249 / 3F- (Lease)- 09/ 2021 Dated, BBSR, the 24th March-2021.

To

The Addl DG Police
Railways & Coastal Security, Odisha
Qr No- D/127, Museum Area
Kalpana square, BJB Nagar
Bhübaneswae-751014.

Sub:-

Order dt. 19.03.2021 by the Hon'ble High Court, Odisha in Writ Petition (C) PIL No. 7118 df 2021.

Ref:

Letter no 13520 dt 23.3.2021 of Addl Government Advocate o/o Advocate General Odisha Cuttack.

Sir:

Please find enclosed herewith the copy of Order dt. 19.03.2021 issued by Hon'ble High Court communicated by the Addl Govt. Advocate for your kind perusal & necessary action.

A copy of the report of submitted by Amicus Curiae dt. 19.03.2021 is enclosed for your ready reference. The Hon'ble High Court has asked to addressed the concern of Amicus Curiae. In the Item no. 5 (a) in the said report it was prayed for allotting additional Sections of armed police force to the Marine Police Stations at Talchua, Tantiapal, Jumbo and in item no 5 (e) the Marine Police Station may be provided with boat immediately.

The Superintendent Police, Kendrapara to supervise the Talchua Marine Police Station case No. 0034/2021 to be traced & proceed under provision of the law. Further, the other trawlers who has participated in the assault to Departmental Patrolling boat may also be traced & proceed under provision of the law.

Therefore I would request you to kindly provide boats to the above Marine Police station who are engaged in sea turtle protection in their respective territorial jurisdiction. Till new boats are provided deployment of existing boats in other Marine Police Station may be resorted, to meet the exigencies.

The Hon'ble High Court on the Order dt. 19.03.2021 has solicited updated status report to be placed before the Hon'ble High Court on next date by the RCCF for which the Addl Govt Advocate solicits provide him the status report by 6.4.2021.

Therefore, I would request you to take appropriate steps and intimate the undersigned for appraisal of the Hon'ble court within the stipulated date.

Enclosure: As above

Regional Chief Conservator of Forests,

Bhubaneswar Circle.

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OFFICE OF THE DIVISIONAL FOREST OFFICER: MANGROVE FOREST DIVISION (WILDLIFE): RAINAGAR

AT/P O: Rajnagar, Dist: Kendrapara-754225 TELEPHONE NO: 06729-242460. CONTROL ROOM: 06729-242463 Formul 11) - Consequence Block Box 16 TWITTER HANDLE; die umgroveidul GSTIN: 21BBNM00903A1DG WEBSITE: wildlife.odisha goy.in

Memo No. 2126/4F- 212/2021 Dated, Rajnagar, the 27th March, 2021

To

The Regional Chief Conservator of Forests Bhubaneswar Circle, Bhubaneswar

Sub: -

Regarding assault in patrolling boat inside the Gahirmatha (Marine) Wildlife

Sanctuary.

Ref:

Your Office Memo No. 1161/6F-50/2021 dated, 19.03, 2021

In inviting a reference to the above one i Memo on the captioned subject. It is to inform you that the patrolling boat namely "Maa Padmalaya-I" supply by DPCL has already been repaired & resumed for patrolling inside the Gahirmatha (Marine) Wildlife Sanctuary from 25 03:2021.

This is for favour of your kind information and necessary action.

Divisional Forest Officer Mangrove Forest Division (Wildlife) <u>o Ra</u>jnagar

Memo No. 2127 /Dated. 19.03.2021.

Copy submitted to the Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Odisha. Bhubaneswar for favour of kind information and necessary action with reference to Memo No. 1162 dated, 19.03,2021 of the Regional Chief Conservator of Forests, Bhuhaneswar in his address

> Da islonati ova Officer. Mangrove Forest Orvision (Wildlife) ø Rajnagar

Regional Chief Conservator - lo -

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0 8 APR 2021

OFFICE OF THE DIVISIONAL FOREST OFFICER CLEARANCE MANGROVE FOREST DIVISION (WILDLIFE), RANGAGAR

At: Rajnagar, Dist.- Kendrapara -754225 TELEPHONE NO.06729-212460 CONTROL ROOM: 06729212463

E-mail ID: dforajnagar@gmail.com

Memo No.2126/F4-212/2021 Dated, Rajnagar, the 27th March, 2021

То

The Regional Chief Conservator of Forests, Bhubaneswar Circle, Bhubaneswar

Sub.: Regarding assault in patrolling boat inside the Gahirmatha (Marine) Wildlife Sanctuary.

Ref.: Your Office Memo No.1161/6F-50/2021 dated 19.03.2021

In inviting a reference to the above cited Memo on the captioned subject, it is to inform you that the patrolling boat namely "Maa Padmalaya-I" supply by DPCL has already been repaired and resumed for patrolling inside the Gahirmatha (Marine) Wildlife Sanctuary from 25.03.2021.

This is for favour of your kind information and necessary action.

Sd/-

Divisional Forest Officer

Mangrove Forest Division(Wildlife),

Rajnagar

Memo No.2127/Dated 19.03.2021.

Copy submitted to the Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Odisha, Bhubaneswar for favour of kind information and necessary action with reference to Memo No.1162, dated 19.03.2021 of the Regional Chief Conservator of Forests, Bhubaneswar in his address.

Sd/-

Divisional Forest Officer Mangrove Forest Division(Wildlife), Rajnagar

Regional Chief Conservator of Forests, Bhubaneswar

ODISHA POLICE STATE HEADQUARTERS CUTTACK.

No. 291

Date. 31 - 03.2021.

To

The Regional Chief Conservator of Forests,

Bhubaneswar Circle,

Ref.

Your letter No. 1239/3F-(lease)-09/2021 dtd. 24.03.2021.

Sub:-

Order dt. 19.03.2021 by the Hon'ble High Court of Odisha in

writ petition (C) PIL No. 7118/2021.

Sir,

In inviting a reference to the letter and subject cited above I am directed to intimate that, in this connection SP Kendrapara has been directed vide this office letter No. 268/CS dt. 25.03.2021 to take necessary action immediately specified in item no 5(a) and 5(e) in respect of Talchua Marine PS case No. 34/21.

On this score Superintendent of Police, Jagatsinghpur has been directed to shift one 12 ton Fast Interceptor Boat (FIB) with crews of Paradeep Marine PS to Talchua Marine PS for patrolling purpose. Further SP Kendrapara also directed to send one FIB of Jamboo Marine PS to Tantiapal Marine PS area for patrolling purpose as and when required.

This is for favour of kind information.

Yours faithfully,

Marine and Coastal Security. Odisha, Bhubaneswar.

Regional Chief Conservator FOLESTA' BUNDSUBSMEL

OFFICE OF THE REGIONAL CHIEF CONSERVATOR OF FORESTS. BHUBANESWAR CIRCLE, STATE SILVICULTURE GARDEN, AT/POST-GHATIKIA-29 Bhubaneswar, Phone/Fax-0674-2951174/75 e-mail.ID rccfbbsr@gmail.com

> Memo No. 1368 6F-50 / 2021. Dated, BBSR, the 31st March, 2021.

To

The Divisional Forest Officer. Mangrove Forest Division Rajnagar

Sub: -

Order dt. 19.03.2021 by the Hon'ble High Court, Odisha in Writ Petition (C)

PIL No. 7118 dt. 2021.

Ref:

Letter no 13520 dt 23.3.2021 of Addl Government Advocate o/o Advocate General Odisha Cuttack, And

This office Memo no 1251 dt 24.3.2021

I would like to inform you that in response to this office communication made on 24.3.2021 to the Addl DG Railways and Coastal Security the AIG of Police Marine and coastal security Odisha, Bhubaneswar has informed vide his letter no 291/CS dt 31.3.2021 that the SP Jaatsinghpur has been advised to shift one 12 Ton Fast Interceptor Boat (FIB) with crews of Paradeep Marine Police Station to Talchua Marine PS for patrolling purpose. The SP Khurda has also been advised to send one FIB from Jamboo Marine PS to Tantiapal Marine PS for patrolling purpose as and when required. A copy of the said letter is enclosed for your kind reference. I would request you to kindly co-ordinate with the Marine Police Stations for joint sea patrolling to prevent illegal entry and fishing in the limits of Gahirmatha Marine Sanctuary and report compliance on the deployment of FIBs by respective Marine Police stations.

Enclosure: As above

i/c Regional Chief Conservator of Forests.

Bhubaneswar Circle.

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CLEARANCE *

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ANNEXURE- I

MASS NESTING OF OLIVE RIDLEY SEA TURTLES IN GAHIRMATHA DURING 2021

Date	No. of Nesting Turtles
10.03.2021	800
11.03.2021	1250
12.03.2021	7940
13.03.2021	
14.03.2021	425
15.03.2021	210
16.03.2021	18350
17.03.2021	32560
18.03.2021	72600
19.03.2021	69200
20.03.2021	56030
21.03.2021	43360
22.03.2021	29612
23.03.2021	16075
24.03.2021	1209
	28
Total	349649

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Regional Chief Conservator of Forests, Bhubaneswar

I/C RCCF

Bhubaneswar