

5 19.03.2021

1. Heard Mr. Mohit Agarwal, learned Amicus Curiae and Mr. P. K. Muduli, learned Additional Government Advocate for the State-Opposite Parties.

2. The Amicus Curiae has today submitted a report before this Court about an incident that occurred at about 10.30 p.m. on the night of 15th March, 2021. The patrolling team of the Gahirmatha Wildlife Range and the APR police staff detected a fishing trawler in the sanctuary area. When the said trawler was attempted to be intercepted, the crew members of the trawler attacked the patrolling staff with sharp weapons. As a result, five numbers of patrolling staff sustained injuries. It is stated that thereafter the said trawler called upon ten further trawlers and all of them ganged up to drown the patrolling boat along with the patrolling staff. In the circumstances, the patrolling boat was badly damaged and the staff suffered injuries.

3. It is stated that a report to that effect was forwarded by the D.F.O., Mangrove Forest Division (Wildlife) Rajnagar on 17th March, 2021 to the Regional Chief Conservator of Forests, (RCCF), Bhubaneswar and an F.I.R. has also been lodged to the Talchua Marine Police Station on 16th March, 2021.

4. Apprehending that no consequential steps would be taken, the Amicus Curiae mentioned the matter before this Court yesterday and the matter was directed to be listed today.

5. When the matter was called out, Mr.P.K.Muduli, learned Additional Government Advocate handed over an affidavit dated 18th March, 2021 of the Divisional Forest Officer, Mangrove Forest Division (Wild Life) Rajnagar, in which inter alia it is stated that the trawler operators are habitual offenders. The details of the cases registered against the boats of one Niranjan Mandal and his son Manas Mandal, in a tabular form, have been enclosed with the affidavit. It is assured that patrolling in Gahirmatha is being carried out with the Departmental speed boat, Departmental trawler as well as speed boats of Bhadrak Wildlife Division. It is further stated that immediate steps have already been taken to get the hired boat of DPCL repaired within 4-5 days to make it ready for patrolling. It is learnt from the Officer-In-Charge of Talchua Marine Police Station that steps have been taken to arrest the accused persons.

6. The Court expresses its concern about the impunity with which the illegally operating trawlers are able to violate the law. There is an urgent need to ensure that the patrolling is stepped up and made effective by providing the enforcement teams with adequate equipment and vehicles to have an effective check over the illegal trawling activities.

7. The Court directs the RCCF, Bhubaneswar to personally oversee the steps being taken and to ensure strict compliance

with the directions issued by this Court in coordination with the district administration.

8. An updated status report be placed before this Court on the next date. The concerns expressed by the Amicus Curiae in para-5 of the note handed over today, a copy of which has been provided to Mr.Muduli, be also addressed in the status report.

List on 12th April, 2021.

(Dr. S. Muralidhar)
Chief Justice

(B.P. Routray)
Judge