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IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7469 of 2017 and batch of writ petitions

The Registrar Judicial, Orissa High Court ***Petitioner***

Mr. Mohit Agarwal, Amicus Curiae, Mr. S. K. Dalai, Advocate in
(W.P. (C) No.16974 of 2021)

-versus-

Union of India and others ***Opposite Parties***

Mr. P. K. Parhi, Assistant Solicitor General of India
Mr. M. S. Sahoo, Additional Government Advocate for State
Mr. V. Narasingh, Advocate, Mr. Manoj Kumar Mohanty,
Advocate, Mr. Sukant Kumar Nayak, Advocate,
Mr. B. P. Pradhan, Advocate and Mr. S. K. Sarangi, Advocate for
the Intervenors.

**CORAM:
THE CHIEF JUSTICE
JUSTICE B. P. ROUTRAY**

ORDER
14.08.2021

Order No.

Dr. S. Muralidhar, CJ.

58. 1. This batch of writ petitions has reignited the concerns, that emerged over the three decades ago, of the threats posed to the ecology of the Chilika Lake on account of unregulated, indiscriminate fishing, including the large-scale production of shrimps/prawns on commercial scale.

The Background

2. It requires to be noted that in 1981 the Chilika Lake was designated as the first Indian wetland of international importance under the

Ramsar Convention on Wetlands, an inter-governmental treaty entered into by 169 countries of the world, which deals with conservation aspects of inland waters and the near shore coastal areas. The aforementioned Convention, named after the city of Ramsar in Iran, was signed on 2nd February, 1971 came into force on 21st December 1975. Its mission was *"the conservation and wise use of all wetlands through local, regional and national actions and international co-operations as a contribution towards achieving sustainable development throughout the world"*. India joined the Convention on 1st February, 1982. Of the 26 designated wetland sites in India covered by Ramsar Convention, two are located in Odisha. One is the Chilika Lake which spreads across the districts of Ganjam, Puri and Khurda in Odisha. The second wetland is the Bhitarkanika Wildlife Sanctuary and National Park in Kendrapara district. In the present order this Court proposes to deal with the issues concerning the ecology of the Chilika Lake.

3. A unique feature of the Chilika Lake is that it is adjoining the Bay of Bengal and therefore, there is salt water predominance in the lake during summer. During the rainy season, sweet water displaces the salt water and flows into the sea. Fish of the lake swim to the sea to lay eggs. The juveniles then return to the lake to grow. Chilika fish thus possess a peculiar distinct taste.

4. One of the species of fish found in Chilika and is in great demand worldwide is prawn (interchangeably used with 'shrimp' for the purpose of these matters). There are two recognized methods of

cultivation of prawns. One is the traditional 'capture' method of producing prawns like Jano, Dian, Uthapali and Bahanis and Prawn Khanda. This method, also known as traditional 'capture fishery' involves erecting embankments and capturing prawns using bamboo traps and nets of two types: Dhaudi and Boja/Bazza. It involves no technological intervention or use of chemicals. These prawns were said to have soft skin and prone to decaying early. They were not fit for export and therefore were not much in demand.

5. The 1980s saw the advent of 'culture' fishery which involved use of intensive methods to enhance the yield of fish for export markets. Intensive methods required 10% of the water to be drained out every day. This polluted water contained excess of prawn feed, unutilized growth-inducing additives, dead prawns, their sloughings, faecal matters and dead plankton. Whereas the traditional capture method would give a yield of 400 kgs per acre, intensive culture method gave a yield of 1000 to 1100 kgs of prawn/shrimp. The intensive culture method poses grave threat to the environment and the ecology. Two other methods of culturing are the semi-intensive and supra intensive methods. However, the traditional extensive method of culturing is stated to be the least harmful to the environment.

6. The Chilika Development Authority (CDA) was registered under the Societies Registration Act, 1860 with the Chief Minister of Odisha as its Chairperson. It was created by a resolution dated 20th November, 1981 of the Forest and Environment Department, Government of Odisha. The CDA was created for preservation of ecology of the

Chilika Lake and its conservation as well as to bring about all-round development in and around the lake. The objectives of the CDA were to protect the lake ecosystem with all its genetic diversity, to cooperate and collaborate with the institutions, national or international, for the all-round development of the lake and all incidental activities required to protect the lake in all forms.

7. The first significant judicial intervention to deal with the issues concerning preservation of the ecology of the Chilika Lake was in a writ petition brought before this Court by the Kholamuhana Primary Fishermen Cooperative Society and 35 others in 1992. The challenge in these writ petitions was *inter alia* to a policy of the State brought about by a memo dated 31st December 1991 issued by the Revenue and Excise Department (R&E Department) of the Government of Odisha spelling out the principles of settlement of fisheries in Chilika. The allegation of the Petitioners was that the policy adversely impacted their traditional fishery rights and thereby the livelihood of about lakh of fishermen and that the policy had a "tilt in favour of the non-fishermen" which encouraged "mafia raj in Chilika".

The November 1993 decision of this Court

8. In a detailed judgment in ***Kholamuhana Primary Fishermen Cooperative Society v. State of Orissa AIR 1994 Ori 91*** (judgment dated 23rd November, 1993 in OJC Nos.1653, 5643 and 8433 of 1992), a Division Bench of this Court upheld the policy with some "pruning, trimming and dressing". Acknowledging the adverse effects of intensive prawn culture on ecology and taking into account the

recommendation of the Committee constituted by the Court to study the problems, the Court as part of the 'pruning', opted for the "lesser evil" of using a technology that *"does not stress the environment in terms of organic and nutrient loading, chemical use, and water-power requirements"*. This "lesser evil" was the "extensive culture method". Therefore, the other methods were expressly disapproved and asked to be discontinued. As a process of "trimming", it was directed that the area of culture fishery given to each primary fishermen society should not be less than 100 acres or so. The ratio of capture fishery to culture fishery was asked to be maintained as 60:40. This meant that while an area of 27,000 hectares would be for capture fishery, the balance 20,000 hectares would be earmarked for culture fishery. Of this, an area of 6,000 hectares was meant for non-fishermen and the balance 14,000 for fishermen. As part of the 'dressing', the increase in the lease amount was asked to be re-examined by the State to reduce its effect to "such extent as deemed just and proper". Capture fishery was kept reserved for the "Central Society" to be sub-leased to the Primary Societies.

9. Following the above judgment, the Government of Odisha, the R&E Department issued the revised principles of settlement on 23rd May, 1994. The revised Policy clearly defined what was "capture fishery" and "culture fishery" and delineated the areas which were out of bounds for fishermen. It spelt out the terms and conditions of leasing of capture and culture fishery areas. It was *inter alia* specified in clause 19 that there will be no conversion of capture sources like Dian, Uthapani and Jano to prawn culture henceforth. However, the

sources that had already been converted by the date of the judgment of the High Court i.e. 23rd November, 1993 would continue.

10. There was a further modification to the policy on 5th July, 1994 *inter alia* clarifying that the above capture sources would continue "provided they are not in the prohibited areas".

The Supreme Court decision in S Jagannath

11. The issue was revisited by the Supreme Court of India in ***S. Jagannath v. Union of India AIR 1997 SC 811***. The issue was examined in the context of the Environment (Protection) Act, 1986 (EPA) and the notification dated 19th February, 1991 issued thereunder by the Government of India demarcating the Coastal Irrigation Zone (CRZ). Under the CRZ notification the CRZ comprised coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters influenced by tidal action (in the landward side) up to 500 metres from the High Tide Line (HTL) and the land between the Low Tide Line (LTL) and the HTL.

12. In an order passed in the said petition on 27th March, 1995 the Supreme Court prohibited the setting up of the prawn farms in the coastal areas. This was reiterated on 9th May 1995 with the direction that no part of agricultural lands and salt farms should be converted into commercial aquaculture farms. It was specifically directed "*no further shrimp farms or any aquaculture farms be permitted to be set up in the areas in dispute hereafter*".

13. In its decision in *S. Jagannath (supra)*, the Supreme Court acknowledged that "*the new trend of more intensified shrimp farming in certain parts of the country - without much control of feeds, seeds and other inputs and water management practices - has brought to the fore a serious threat to the environment and ecology*". After discussing the reports of three Expert Committees in the light of the various statutes that were applicable, the Supreme Court issued a large number of directions which *inter alia* included a direction that no shrimp culture farm shall be set up within the CRZ that they shall not apply to traditional shrimp culture. All existing shrimp culture farms were to be demolished by 31st March, 1997. No shrimp culture was to take place within 1000 meters of Chilika lake and those already operating were to be demolished by 31st March, 1997. Thus, only traditional shrimp culture was allowed in and around Chilika lake. Aquaculture industry/shrimp culture industry/shrimp culture ponds which had been functioning/operating within the CRZ and within 1000 meter in Chilika were to compensate the affected persons on the basis of the "polluter pays" principle.

The CAA Act

14. The extensive directions issued in *S. Jagannath (supra)* continued to operate till the enactment of the Coastal Aquaculture Authority Act, 2005 (CAA Act) by the Parliament. Section 2(1)(c) of the CAA Act defines the expression "coastal aquaculture" as under:

(c) "***coastal aquaculture***" means culturing, under controlled conditions in ponds, pens, enclosures or otherwise, in coastal areas, of shrimp, prawn, fish or

any other aquatic life in saline or brackish water; but does not include fresh water aquaculture"

15. Section 2(1)(d) of the CAA Act defines "coastal area" as under:

(d) "**coastal area**" means the area declared as the Coastal Regulation Zone, for the time being, in the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No. S.O. 114(E), dated the 19th February, 1991 and includes such other area as the Central Government may, by notification in the Official Gazette, specify;

"Area of land within a distance of two kilometers from the High Tide Line (HTLO) of seas, rivers, creeks and backwaters."

16. Under Section 4 of the CAA Act, the Coastal Aquaculture Authority (hereafter 'Authority') was established. Under Section 4 (3) it is a 11-member body including the Member Secretary and a Chairperson, 'who is or has been, a Judge of a High Court'.

17. In terms of Section 13(1) of the CAA Act, it is mandatory for a person carrying on coastal aquaculture in a coastal area to get the farm registered with the Authority. Those already in operation on the date of establishment of the Authority, i.e. 22nd December, 2005, may continue to operate only if they apply for registration within three months from the date of establishment of the Authority and in that case till the communication to them of the disposal of such a petition by the Authority.

18. Section 13 (9) of the CAA Act mandates that "traditional coastal aquaculture farm" which is within the CRZ and is not used for coastal aquaculture purposes on the date of the establishment of the Authority i.e. 22nd December, 2005 shall have to obtain registration under Section 13 (5) read with Section 13 (4) of the CAA Act. If such person does not utilize to use the farm within one year of such legislation for coastal aquaculture purposes, the registration shall be cancelled.

19. Under Section 13 (7) of the CAA Act, where the farms are over an area of more than 2 hectares, an appropriate inquiry is to be caused by the Authority before granting registration in order to ensure that the registration shall not be detrimental to the environment.

20. Section 13 (8) of the CAA Act prohibits the carrying on any coastal aquaculture within 200 m from the HTL and within the CRZ in terms of the latest CRZ notification. The first proviso to Section 13 (8) exempts a coastal aquaculture farm already in existence on the appointed day which is the date of establishment of the Authority i.e. 22nd December, 2005 as well as to non-commercial and experimental coastal aquaculture farms operated by any research institute funded by the Government. The second proviso states that the Authority will, for the purposes of exemption under the first proviso "review from time to time the existence and activities of the coastal aquaculture farms and the provisions of Section 13 (8) shall apply to such farms in view of such review."

21. Section 14 of the CAA Act provides the punishment for failure to register a coastal aquaculture farm or a traditional coastal aquaculture farm. It is imprisonment for a term which may extend to three years or with fine which may extend to one lakh rupees, or with both. Under Section 15 of the CAA Act, no Court can take cognizance of the offence under Section 14 of the CAA Act unless there is a written complaint "by an officer of the Authority authorized in this behalf by it".

22. This Court has been informed that although the CAA Act came into force on 22nd December, 2005 till date no officer has been authorized by the Authority to file written complaints. As a result of Section 14 of the CAA Act has remained a dead letter.

23. Also the Court is informed that in the past two years the post of Chairman of the Authority has remained vacant. Of 11 members of the Authority, there are at present only three comprising the Member-Secretary (stationed in Delhi) and two Expert Members in Chennai. In other words, the effectiveness of the Authority stands seriously undermined, denuding it of all the powers available to it under Section 4 read with Section 11 of the CAA Act. It must be noted at this stage that under Section 12, the Authority can whenever it thinks it necessary to do so, enter on any coastal aquaculture land, pond, pen and enclosure and remove or demolish any structure that has been erected therein in contravention of the provisions of the CAA Act. However, those powers obviously cannot be exercised unless there is a full-fledged and fully staffed Authority.

The CAA Rules

24. Then there are the Coastal Aquaculture Authority Rules, 2005 (CAA Rules) made under Section 24 of the CAA Act. Rule 10 of the CAA Rules provides that in case of a coastal aquaculture authority farm below an area of 2 hectare, the registration application shall be received by any District Level Committee (DLC) which shall be headed by the Collector of the concerned district, and he shall recommend to the Authority for grant of registration. In case of a farm above an area of 2 hectare, the application will be received by the DLC who shall inspect the farm to satisfy it regarding compliance of the CAA Act and the CAA Rules and shall recommend such application to the State Level Committee (SLC) (to be headed by the Secretary in Charge of the Fisheries Dept. of the Government), who shall in turn recommend to the Authority for grant of registration. All farms having an area of 2 hectare and above shall have to conduct an Environment Impact Assessment. Farms having an area of 5 hectares and above are required to install an Effluent Treatment Plant (Clause 5.2 of the Guidelines formulated under Rule 3 of the CAA Rules).

The CAA Guidelines

25. This apart, there are the CAA guidelines issued under Rule 3 of the CAA Rules. The CAA guidelines are meant to ensure "orderly and sustainable development of shrimp aquaculture in the country". The guidelines are also intended to lead to environmentally responsible and socially acceptable coastal aquaculture and also enhance the positive contribution that shrimp farming and other

forms of aquaculture can make to socio-economic benefits, livelihood security and poverty alleviation in the coastal areas.

26. It is clarified in the guidelines that “Coastal aquaculture entails managed farming or culture of organisms in saline or brackish water areas for the purpose of enhancing production, both for domestic and export markets. Coastal aquaculture in the broader sense includes culturing of crustaceans like shrimp, prawn, lobsters, crabs, and finfishes like groupers, sea bream, mullets and molluscs like clams, mussels and oysters.” The guidelines emphasize that only traditional/improved traditional and scientific extensive shrimp farming practices shall be permitted in the coastal areas.

27. It may be noted here that in a ‘Preface’ to a Compendium of the CAA Rules, CAA Guidelines as well as the Coastal Aquaculture Authority Regulation, 2008 (CAA Regulations) made under Section 25 of the CAA Act, the Member-Secretary of the Authority *inter alia* noted that the farmers producing black tiger shrimp by the method of *Penaeus monodon* culture faced a major problem due to lack of quality seed. This along with other problems compelled them to look for alternative methods of culture. The Government of India decided to allow the commercial scale farming of SPF *L. vannamei* culture which is used in many South Eastern Asian Countries and in China. It is claimed as under:

"In view of the regulations, SPF *Litopenaeus vannamei* is taking strong roots in India and the results achieved thus far have been spectacular. Identification of

broodstock suppliers based upon evaluation of genetical as well as disease status ensured supply of quality SPF broodstock to Indian shrimp hatcheries. Low productive aquaculture farms have been utilized for high productive SPF *L. vannamei* farming with adequate biosecurity and Effluent Treatment Systems. Cluster farming system was introduced in order to facilitate farmers having small farm holding by having common ETS and biosecurity measures. Many abandoned shrimp farms, closed hatcheries and feed mills have been revived after the introduction of SPF *L. vannamei*. All these have culminated in Indian shrimp production and exports reaching all-time high levels with substantial increase in productivity, increase in employment generation, and promoted many ancillary industries dealing with inputs, equipments and processing."

A plethora of enforcement bodies

28. Apart from the Authority, the SLC and the DLC constituted in terms of Rule 10 of the CWA Rules, we have the Wetlands (Conservation and Management) Rules, 2010 (WCM Rules) made under Section 25 read with Section 3 (1) (v) (2) and (3) of the EPA. Under Rule 5 of the WCM Rules, the Central Wetland Regulatory Authority (CWRA) has been constituted. Correspondingly, under Rule 8 (2) of the above Rules, the Orissa Wetland Development Authority (OWDA) has been set up. This is an autonomous regulatory, planning and policy making body for the protection, conservation, reclamation, restoration, regeneration and integrated development of the wetlands.

29. Then we have the Orissa Coastal Zone Management Authority (OCZMA) set up under Section 3 (1) and (3) of the EPA. This was

reconstituted on 1st April, 2015 for a period of three years. The OCZMA is expected to take measures for protecting and improving the quality of coastal environment and preventing, abating and controlling environment pollution. It is to ensure compliance of the conditions laid down in the approved Coastal Zone Management Plan of Odisha and the CRZ Notification.

30. Then there is the Wetland Training and Research Centre (WTRC), Balugaon, Khurda District, which was established in 2002. It is supposed to act as a nodal centre for the CDA for conducting wetland related research. Its main objective is to “constantly monitor the lake health and take precautionary measures and preserve the biodiversity of the lake.”

Writ petitions in this Court

31. Despite a plethora of authorities dealing with the issues, the problems have not abated. In 2010, the Ambika Primary Fishermen Cooperative Society in Balugaon, District Khurda approached this Court with Writ Petition (Civil) No.18006 of 2010 seeking to evict unauthorized encroachers; for grant of the lease of the ‘Kandokhai Jano’ source and for restoration of the source to its original status i.e. as a capture source.

32. In a judgment delivered on 21st December, 2010 in the said petition, this Court noted the submissions made on behalf of the State Government that it had constituted three District Level Monitoring Committees (DLMCs) in the Districts of Puri, Khurda

and Ganjam, to supervise the monitoring and functioning of the 'Taskforce' at the district level, by a Notification dated 27th July, 2000. A further Notification dated 9th August, 2000 had been issued providing the necessary guidelines for constitution and operation of the Taskforce. Two Taskforces with separate operational units at Satapada and Balugaon had been constituted for protection of the Chilika lake and these were tasked *inter alia* with enforcing the Orissa Marine Fishery Regulation Act (OMFRA) by way of "prevention of the Poaching of prawn juvenile regulating the fishery activities in the restricted areas etc. of Chilika Lake."

33. This Court in the above judgment reiterated the directions of the Supreme Court in *S. Jagannath (supra)* and ordered as under:

(i) Opposite parties shall take effective steps to ensure that no aquaculture industry/shrimp culture industry/shrimp culture ponds shall be constructed/set up within 1000 mts of Chilika Lake. If such industry is already functioning, the same shall be closed down/demolished forthwith,

(ii) The District Administration shall ensure that all the encroachments are removed from Chilika and adequate protection is provided to the primary fishermen including the petitioner-society to carry on their traditional/improved traditional fishing for the purpose of earning their livelihood,

(iii) The State Government shall frame a detailed and clear cut Chilika Policy for all round development of Chilika Lake as well as welfare of the traditional fishermen living in and around Chilika in terms of direction of the Hon'ble apex Court in *S. Jagannath's* case (*supra*)."

34. This Court was again petitioned two years later with Writ Petition (Civil) No.10066 of 2012 (*Sudam Charan Jena and another v. State of Orissa*). The grievance was that the Opposite Parties had identified fresh capture sources and allotted them to Primary Fishermen Cooperative Societies contrary to the Government guidelines. The Court again reiterated in an order dated 15th October, 2014 that no fresh capture sources of Chilika lake would be allotted/granted in favour of any individual of Primary Fishermen Cooperative Society in violation of the law or Government Policy in vogue.

35. Writ Petition (Civil) No.23855 of 2012 was filed by Ratnakar Satrusalya complaining against the continuation of illegal prawn gheries inside Chilika lake. A Division Bench of this Court noted the submissions of CDA that “it had not been given the responsibility of protection of the lake”; that it had been providing necessary funds to the Districts Administration in order to facilitate eviction of prawn gheries and that “operation of prawn hatcheries in the wildlife forest area is not regulated by it.” The Court concluded that the authenticity of the allegations in the petition could not be established. While reiterating that the directions in *S. Jagannath (supra)* had to be strictly followed, this Court permitted the Petitioner to make a representation to the Chief Secretary, Government of Odisha, which had to be considered within a time frame.

36. Writ Petition (Civil) No.6275 of 2011 was filed by the Maa Mangala Primary Fishermen Cooperative Society before this Court. The prayer was for a direction to Opposite Parties “not to demolish

the obstructions put forth for capturing fish and to conduct an enquiry to find out a method, which can be followed by the non-fishermen to continue their fishing activities within the area leased in their favour.” This petition was disposed of with a direction that “if the non-fishermen are permitted under any policy to capture fish, they may be permitted to do so but all the obstructions in Chilika Lake for the purpose of prawn culture may be demolished and removed. If there is no policy in existence for the non-fishermen to capture fish, such policy decision be taken by the State Government early in the interest of the non-fishermen, who mostly survive on income derived from sale of fish.”

37. Then there was a Writ Petition (Civil) No.21803 of 2014 by one Kelucharan Ghadei of Mudirath village in District Puri, a traditional fisherman seeking to evict unauthorised occupants from the land, which they were using for their livelihood in terms of the Chilika policy. A direction to that effect was issued by this Court in its judgment dated 20th April, 2015.

38. A judgment of this Court dated 11th December, 2012 in Writ Petition (Civil) Nos.8083 and 8850 of 2012 (*Braja Behera and another v. State of Orissa and others*) reflects the tension between the traditional fishermen operating in the Chilika lake and those carrying on prawn culture illegally at the behest of prawn mafias. Appropriate directions were issued by this Court to resolve the issue.

39. It is in the above backgrounds that the present batch of writ petitions require to be considered by this Court.

The present petitions

40. The genesis of Writ Petition (Civil) PIL No.7469 of 2017, the lead petition in this batch, was a direction issued by the Supreme Court of India on 3rd April, 2017 in Writ Petition (Civil) No.230 of 2001 (*M. K. Balakrishnan and others v. Union of India*) requiring an affidavit dated 28th March, 2017 filed before it by the Member Secretary, CWRA on the steps taken for conservation of wetlands and the utilization of the funds made available and the impact of those steps on the wetlands to be sent to each of the High Courts to be registered as a suo motu writ petition and for follow up.

41. Accordingly, the present petition was registered and taken up for hearing from 7th July, 2017 onwards. Mr. Mohit Agarwal, Advocate, was appointed as the Amicus Curiae (AC). By an order dated 22nd August, 2017, the CWRA, the OWDA, the CDA, the OCZMA, the WTRC and the State Board for Wildlife were all impleaded as Opposite Party Nos.3 to 8. On 30th October, 2017, this Court identified six issues, which were required to be considered by the Court: (i) Illegal prawn/shrimp culture, (ii) Pollution, (iii) Uncontrolled boat operation and oil-spills, (iv) Siltation, (v) Depletion of Mangrove forests of Bhitarkanika and (vi) Poaching. With the consent of learned counsel for the parties, the Court decided to take up the issue relating to “Illegal prawn/shrimp culture” in the Chilika lake area. The Court by the said order impleaded the District

Collectors of Puri, Khurda, Ganjam and Kendrapara as Opposite Party Nos.9, 10, 11 and 12 respectively. The Additional Director of Fisheries, Government of Odisha was impleaded as Opposite Party No.13. The Chilika Mastchhyajibi Mahasangha, which had filed an intervention application was impleaded as Opposite Party No.14. Another Applicant, Chilika Dwipaanchala Pesadar Matchyajibi Mahasangha was impleaded as Opposite Party No.15 by the subsequent order dated 30th November, 2017.

42. On 21st January, 2019, the following order was passed:

“Pursuant to the direction of this Court dated 27.11.2018, a Committee under the Chairmanship of the Additional Chief Secretary to Government in Forest & Environment Department and other members has been constituted vide notification dated 17.12.2018 issued by the Government of Odisha, Forest & Environment Department, Bhubaneswar, copy of which has been filed before this Court.

The constituted Committee is directed to consider and take appropriate action as per the suggestion made by Amicus Curiae at paragraph-15 of his report dated 26.11.2018 filed before this Court.

We hope, the Committee will take appropriate and prompt action on the suggestions made by Amicus Curiae and the Amicus Curiae appointed by the Court will be called to participate in the proceedings of the committee.

If any aggrieved party wants to make a representation, he can make a representation to the newly constituted Committee.

This matter to come up on 18.02.2019 by which time latest status report shall be filed by the Committee. xxx.”

43. On 3rd February, 2020, the following order was passed:

“Heard learned counsel for the parties.

In pursuance of the earlier direction, learned Addl. Government Advocate submitted that they have filed affidavits of Collectors of Puri, Ganjam and Khurda on 27.01.2020. Registry shall place the affidavits on record. He further submitted that as per the instruction received from the Additional Chief Secretary to Government, Forest and Environment Department vide letter dated 24.01.2020, the Government proposed to constitute a Committee for preparation of a consolidated action plan on eviction of illegal prawn gherries from Chilika. The Chief Secretary, Odisha has passed order for formation of the said Committee where the Additional Chief Secretary, Revenue and Disaster Management Department would be the Chairman of the said Committee and accordingly, requested this Court to allow him to be the Chairman of the aforesaid Committee in order to obviate the problems like providing funds, manpower and forces for conducting eviction work.

In view of the above, we direct the Chief Secretary, opposite party no.2 to constitute a Committee consisting the Additional Chief Secretary, Revenue and Disaster Management Department as Chairman of the said Committee along with Secretary, Forest and Environment Department and Secretary, Home as its members for preparation of a consolidated action plan on eviction of illegal prawn gherries in Chilika in respect of Puri, Ganjam and Khurda Districts and the said Committee shall be constituted within a period of seven days hence. The Committee shall furnish the action plan indicating within which time they will complete the eviction process of illegal prawn gherries in Chilika phase wise by next date.

List this matter on 2nd March, 2020.”

44. Thereafter, for some reasons, the matter was not listed till 18th February, 2021 and on that date, the following order was passed:

“1. The Court is informed that the Committee appointed by this Court met on 3rd February, 2021.

2. The report of the Committee be placed on record not later than 1st March, 2021. It would be open to the counsel for various parties to obtain photocopies of the said report from the Registry on payment of usual charges.

3. On the next date this Court will like to take up not only the issue of eviction of ‘prawn gheries’, but the other issues as highlighted in the order dated 30th October, 2017, viz., pollution, uncontrolled boat operations and oil-spills, siltation, depletion of the mangrove forests of Bhitarkanika and poaching.

4. List on 8th March, 2021 at 2 pm.”

45. On the next date i.e. on 8th March, 2021, the following order was passed:

“1. Heard Mr. Mohit Agarwal, learned Amicus Curiae, Mr. M.S.Sahoo, learned Additional Government Advocate for the State Opposite Parties and Mr. S.K. Dalai, learned counsel for Intervener.

2. An affidavit dated 1st March, 2021 has been filed by the Chief Executive of the Chilika Development Authority addressing the various issues that have arisen in the course of the present petition. It is a matter of some concern that the Committee that met on 3rd February, 2021 noted that there has been increase of net Gheries of 2193.30 hectares inside Chilika Lake since the affidavit which was earlier filed on 2nd December, 2019 by the

Director, Environment. A series of decisions have been taken by the Committee for demolition of the Prawn Gheries in Khurda and Puri districts, demolition of the earthen embankments of the other Gheries/illegal ponds, to find out and stop the sources of the illegal seed supply, to disconnect the Electricity supply to the illegal prawn culture ponds, and to evict the obstructions in Palur canal uncontrolled Boat operations and oil spills and so on. The affidavit sets out the timelines for the various courses of action.

3. The immediate concern is to implement the decisions taken by the Committee within the timelines set by it. In response to a query by the Court as to how the timelines are expected to be met and what would be the task force involved in that process, Mr. Sahoo, learned Additional Government Advocate says that he will obtain instructions and file a further affidavit on or before 15th March, 2021.

List on 18th March, 2021.”

46. On 15th March 2021, an affidavit was filed by the Committee constituted by the Notification dated 7th February, 2020 indicating that the Collectors of Puri, Ganjam and Khurda districts had constituted Task Force Committees (TFCs) at the district level for evicting unauthorized/illegal prawn gheries, ponds and removing the obstructions to the Palur Canal in the Chilika lake. By letter dated 16th March, 2021, the Collector, Kendrapara intimated that three Committees (Tahasil wise) had been constituted in 2018 itself under the CAAA for identification and demolition of the illegal prawn gheries.

47. In an order dated 18th March 2021, this Court noted the statements in para 6 of the affidavit dated 1st March, 2021 of the Committee that the Collector, Kendrapara had undertaken the demolition of 544 gherries involving area of 562.48 acres would be completed by 30th April, 2021. Similar timelines were indicated for eviction of the illegal gherries in Puri, Ganjam and Khurda as 31st December, 31st May and 31st May, 2021 respectively. The learned Amicus Curiae then pointed out that the Collectors could verify the progress of the demolition/eviction drive through satellite imagery for which coordinates are available with the Orissa Remote Sensing Application Centre (ORSAC). The Court then directed as under:

“6. The Collectors of the Districts of Puri, Khurda, Ganjam and Kendrapara are directed to call for daily reports by e-mail with attached scanned documents from the TFCs set up to effectively monitor the progress of the work. They will also use the data provided by the ORSAC and ensure that the timelines as set out in the affidavit dated 1st March 2021, of the Committee, are adhered to. In turn, the Collector will submit a report to learned Advocate General every two days to enable the Office of the Advocate General to apprise this Court whether in fact the setting up of the TFCs has fulfilled the desired objective.

7. Additionally, it is pointed out by Mr. S.K. Dalai, learned counsel for Opposite Party No.17 that in many places in Chilika, the violators are resorting to the vannamei culture and this is going unchallenged. It will be the responsibility of the TFCs set up to ensure that there is no such resort to vannamei culture by the violators and that prompt action is taken against such practice.

8. List for further monitoring on 13th April, 2021.”

48. On the next date i.e. on 13th April, 2021, the following order was passed by this Court:

“1. This matter is taken up by video conferencing mode.

2. An affidavit has been filed on 1st March, 2021 by the Chief Executive, Chilika Development Authority (CDA) in which inter alia certain timelines were set out for removal of illegal prawn gherries in four districts i.e., Puri, Ganjam, Khurda and Kendrapara. In a tabular column as under:

District	Remaining Total Gherry Area in Ha.	Timeline of completion of the eviction
Puri	10642.57	31.12.2021
Ganjam	266.21	31.05.2021
Khurda	1223.00	31.05.2021
Total	12131.78	
Kendrapara	225.00	30.04.2021

3. This Court had in its order dated 18th March, 2021 taken note of the fact that Task Force Committees have been constituted by the Collectors of Puri, Ganjam and Khurda districts as well as the Collector, Kendrapara. The Court directed that the Collectors should call for daily reports by e-mail to effectively monitor the progress of the work of demolition of the illegal prawn gherries. The Collectors were asked to submit every two days a report to the Office of the Advocate General to enable this Court to be apprised of the progress.

4. Since then affidavits have been filed on 9th April, 2021 by the Tahasildar, Chilika stating that as far as Khurda district is concerned, two gherries over an extent of 7.1 Hecs. in village Hatabaradihi and 4.2. Hecs. in village Nimuna have been removed. It is stated that on 25 March, 2021, the Committee had demolished gherries covering areas 17.047 Hec. Given the total area where gherries exist in Khurda district is 1223 Hectares, clearly the rate of progress is not satisfactory.

5. An affidavit has been filed by the Tahasildar, Ganjam on 9th April, 2021 in which inter alia it is pointed out that three illegal prawn gherries tanks involving 7.03 Hec. have been summarily evicted. So here again given the total area of 266.21 Hec., and with a deadline of 31st May, 202, the rate of progress is not satisfactory.

6. A third affidavit dated 9th April, 2021 has been filed by the Collector & District Magistrate, Puri where inter alia it is stated that on account of the by-election in the Pipili constituency, eviction work could not be taken up. In other words, absolutely no work has undertaken to meet the deadline for eviction of illegal prawn gherries. The Court notes that no affidavit has been filed in regard to the work undertaken in the Kendrapara district.

7. It appears to the Court that the issue is not receiving the kind of urgent attention that it requires and despite the earlier orders of this Court not enough is being done to remove the illegal prawn gherries over such vast areas in the four districts. It may be noted here that the deadline for removal of prawn gherries in Kendrapara was 30th April, 2021 and there is no affidavit of compliance with the deadline.

8. Expressing its deep concern about the poor progress made in removal of illegal prawn gherries, which is essential to revive the drinking water sources for Odisha, the Court directs that the Chief Secretary, Government of Odisha shall convene a meeting whether in physical or virtual mode of the Collectors of Puri, Ganjam, Khurda and Kendrapara along with the Chief Executive of the CDA and the learned Advocate General within the next one week and in any event not later than 21st April, 2021 at a time that is mutually convenient for all of them. The purpose of the meeting is to come up with a detailed plan of action to ensure that the work of removal of the illegal prawn gherries in the four districts aforementioned is taken up on an urgent basis, the efforts redoubled, revised

deadlines be fixed and strictly adhered to. The Court requests the Chief Secretary to personally oversee the progress since it deserves urgent attention and has been neglected for too long. The Court would like to see real progress on the ground through the status reports that will be filed by the Collectors of each of the districts of Puri, Khurda, Ganjam and Kendrapara before this Court by the next date.

9. List on 28th April, 2021. Xxx”

49. In its order dated 29th April 2021, this Court took note of the fact of the connected writ petitions and asked them all to be listed so that no conflicting orders passed by different Benches of the Court.

50. The learned AC pointed out that although certain photographs were enclosed with the affidavits filed on behalf of the Assistant Conservator of Forests of the Chilika Wildlife Division to show that illegal prawn gheries have been demolished, within a couple of days of removing, these gheries had re-emerged. He also pointed out the demolished materials were left at the location and there was no effective patrolling. Therefore, the villagers were able to re-erect the gheries overnight. The Court then issued the following directions in its order dated 29th April, 2021:

“6. The Court notes that in the recent meeting convened by the Chief Secretary, as explained in the affidavit dated 26th April, 2021 of the Chief Executive, Chilika Development Authority, it has been decided that there will be one platoon of dedicated police force of Puri and additional forces as and when required to enable to Collectors to comply with the orders of this Court as per the time lines and remove the encroachments. The Court would like to impress upon the D.G., Police to ensure that the additional forces be deployed immediately so that there is no re-

emergence of the illegal prawn gheries after their removal. This can be ensured only by constant patrolling of these areas by the additional forces.

7. The progress of the work be reported as per the earlier directions of this Court by each of the Collectors of Puri, Ganjam, Kendrapara and Khurda filing fresh status reports at least three days prior to the next date.

8. The Court notes that the Opposite Parties have asked the learned AC also to be present at the next meeting. Mr. Ashok Parija, learned Advocate General assures the Court that since the litigation is essentially non-adversarial, all the suggestions of learned AC will be attended to with the seriousness that they deserve.

9. The Court would like to reiterate that the Opposite Parties must, without any unnecessary delay, register criminal cases against the offenders, as was earlier directed, as otherwise there would be no deterrence against the continued illegal activity. The Court directs each of the Collectors to include in their status reports the progress in this regard as well.

10. List on 24th May, 2021 before the Vacation Bench.”

51. The situation did not improve remarkably as was noted by this Court in its order dated 31st May, 2021. Learned Amicus Curiae pointed out that despite a plethora of statutory provisions, the brazen violation of the law was continuing by those operating the illegal prawn gheries and no complaints had yet been registered against the violators. The Court then issued the following directions:

“7. The Court further directs the Collectors of four districts (Puri, Ganjan, Kendrapada and Khurda) shall remain present before this Court in virtual mode on the next date to explain what steps they have taken to activate the statutory remedial processes.

8. The Court further directs the Collector, Kendrapara to arrange for the satellite verification of the entire area/zone in the district for detection and control of the proliferation of the illegal prawn gheries. He will explain to the Court on the next date the steps taken in this regard.

9. A copy of this of order be communicated immediately to the Collectors of the above four districts by the Registrar (Judicial) of this Court.

10. List on 22nd June, 2021 at 2 PM.”

52. The AC then submitted a detailed note on the statutory provisions that would stand attracted as a result of the operation of the illegal prawn gheries and this included the Prevention of Damage to Public Property Act, 1984 (PDPPA), EPA and the Wetlands (Conservation and Management) Rules, 2019 (WCMR). The Advocate General assured the Court that the additional platoons of police forces had been deployed in the areas where action was being taken against the illegal operation of prawn gheries and that sufficient progress had been made. A separate compilation of FIRs filed had been placed on record by the Collector, Kendrapara. This Court then issued the following directions on 22nd June, 2021:

“6. This Court would like to once again emphasize the need for prompt corrective action without let or hindrance by all State authorities acting in close co-operation. The Collectors of Puri, Ganjam, Kendrapara and Khurda will by the next date file updated status reports by way of affidavits on the action taken to remove the illegal prawn gheries in their respective districts. The report of the Collector, Khurda district will specifically address the issues raised by the learned Amicus Curiae in the report submitted by him today on the existence of such illegal

prawn gheries by way of encroachment both within and on the fringes of the Chilika lake.”

53. There was then a flurry of intervention applications filed before the Court i.e. I.A. Nos.7321, 9733 and 8468 of 2021 by various residents of various villages of Kendrapara District claiming to be cultivating prawns in their own land and not causing any pollution whatsoever. In its order dated 27th July 2021, this Court noted that except the Tahasildar, Ganjam, the Collectors of Puri, Kendrapara and Khurda were yet to file affidavit on the status report. The Court noted the submissions of the AC that the photographs enclosed with the affidavit of Tahasildar, Ganjam did not show that the equipments that facilitate the operation of illegal prawn gheries viz. the Diesel Generator sets, Aerators, Water Pipes, Electricity wires and other incriminating materials had in fact been seized. The Court then issued the following directions:

“14. The Court accepts the above submission of the AC and directs each of the Collectors in the four districts will ensure the seizure of all the above equipments and any other device which facilitate the operation of illegal prawn gheries. They will file further affidavits before the next date to confirm that clear instructions have been issued to the raiding/enforcement teams in this regard.

15. The AC also points out that the satellite verification in Kendrapara district has still not been undertaken despite the directions issued by this Court on 31st May, 2021.

16. The Collector, Kendrapara is once again directed to report compliance of the above direction by the next date.

17. Because of paucity of time in the regular Bench, all the counsel agree that the matter can be listed at a special sitting on any Saturday.

18. Accordingly, list this matter before this Bench on 14th August, 2021 at 10.30 A.M.

19. The Collectors of Puri, Kendrapara, Khurda and Ganjam shall remain present in virtual mode on that date.”

54. This Court has heard in a hybrid mode all the present petitions including the intervention applications today i.e. on 14th August, 2021. Mr. V. Narasingh, Mr. Monoj Kumar Mohanty, Mr. Sukant Kumar Nayak, Mr. B. P. Pradhan and Mr. S. K. Sarangi, learned counsel appeared for the Intervenors. Mr. S. K. Dalai, learned counsel for the Petitioner in Writ Petition (Civil) No.16974 of 2021. Mr. Mohit Agarwal, learned AC made a submission. Submissions on behalf of the State Government were made by Mr. M. S. Sahoo, learned Additional Government Advocate and on behalf of the Union of India, by Mr. P. K. Parhi, learned Assistant Solicitor General of India.

55. The Court also heard in virtual mode the submissions of the Collectors of Puri, Khurda, Ganjam and Kendrapara. Mr. Susanta Nanda, Chairperson of the CDA also made submissions in virtual mode.

Discussion of issues

56. The Court would like to first address the issue of the problems encountered thus far in the effective implementation of the various statutory provisions, the decision of the Supreme Court in *S. Jagannath* (*supra*) and *M. K. Balakrishnan* (*supra*) and of this

Court in *Kholamuhana Primary Fishermen Co-operative Society* (*supra*) and the numerous other directions issued from time to time. These are evident not only from the reports and applications filed in the lead petition but in each of the writ petitions in this batch. Each of these points to the failures of law enforcement.

57. As is clear from the above narration, there is no dearth of statutory provisions, or authorities constituted thereunder or powers of those authorities to carry out steps to ensure the preservation of the ecology of the Chilika lake and regulate the activities of fishing, coastal aquaculture including shrimp/prawn production. Numerous committees have also been constituted from time to time to examine the issue. There also have been Task Forces constituted at periodical intervals. The Court has also been continuously intervening in the matter for well over two decades now. The question that arises is why is it so difficult for all these efforts to bear fruit and why is the proliferation of the illegal prawn/shrimp farms in and around the Chilika lake and in Kendrapara not able to be controlled?

58. The orders passed by this Court from time to time reflect one stark reality. Even while the eviction/demolition drives are undertaken, those erecting and operating the illegal prawn/shrimp farms are able to revive the activity in the very same area in a very short time. The learned AC has repeatedly stressed that the raiding teams have failed to do the most obvious thing viz., to seize all the materials that facilitate the carrying on of the illegal activity.

59. Indeed, the photographs presented before the Court, including a short video clip presented to it during the course of hearing today by Mr. Dalai, show that to operate an illegal prawn farm/gherry the use of the Diesel Generator set, an Aerator, the Water Pipes, Electricity wires are essential. A Diesel Generator set is not an equipment that can be quickly carted away and hidden. It should be possible for the local administration to track the movement of trucks which would carry such equipment. It is plain from the affidavits filed thus far by the Collectors of the four districts and the FIRs and seizure lists presented that barring a few instances, what is being seized is only basic material like bamboo sticks and nets and not the Diesel Generator sets, the Aerators, the Pipes, the wires etc.

60. The other serious problem is the failure to invoke the statutory provisions that resultant the FIRs being registered only under some relatively benign provisions of the Indian Penal Code (IPC). In a majority of the FIRs registered thus far the provisions of the PDPP Act are not even mentioned. Section 3 of the PDPP Act makes a cognizable and non-bailable one punishable up to imprisonment terms of five years with a fine of Rs.1 lakh.

61. The other problem, as already noted, is the inaction of the Authority under the CAA Act in nominating an officer under Section 15 of the CAA Act to file complaints under Section 14 of the CAA Act. Therefore, for nearly 16 years now, the stringent provisions of Section 14 of the CAA Act have not been able to be invoked.

62. Another major factor hindering the enforcement of the law, is the failure to fill up the vacancy of the posts of Chairperson and Members of the Authority under the CAA Act. The responsibility for this must squarely lie with the administrative Ministry of the Central Government under which the Authority functions. The Court is informed by Mr. Parhi that this is the Ministry of Agriculture.

63. The Court also finds that the plethora of authorities including the CDA have not really taken effective measures. Mr. Nanda, the CEO of the CDA informs the Court that the CDA had no powers to itself carry out any raids or register cases. The Court had to impress upon Mr. Nanda that this should not have prevented the CDA from writing to both the State Government and Central Government about the need to make the provisions of the CAA Act effective by nominating an officer under Section 15 of the CAA Act for filing complaints and for filling up all the vacancies of the Authority in terms of Section 3 (2) of the CAA Act. The CDA is fully conscious of the extent of the problems and it is tasked to closely monitor the effectiveness of the implementation of the statutory provisions and orders of the Court. The Court would expect the CDA to be proactive in this regard and continuously draw the attention of the authorities concerned to the extent and complexity of the problem.

64. The Court also finds that the raids conducted in the different districts is sporadic and not continuous. This gives enough time to the violators to regroup and revive their activities. Unless the raids to close down/demolish the illegal prawn gherries are conducted in

secrecy, with promptitude and on a continuous basis, it will cease to be effective. The efforts would come to nothing if there is too much of a gap between two consecutive raids. In their presentations, each of the Collectors has assured this Court that they would increase the periodicity of the raids by the Special Task Forces (STFs).

Directions on specific issues

65. The Court accordingly directs that each of the STFs will

- (i) prepare and operate a check list of what should be seized during the raid;
- (ii) ensure that the seized materials are taken away far from the site, properly inventorised and kept under the watch of the authorities till the conclusion of the criminal cases;
- (iii) promptly register FIRs invoking all the available statutory provisions and importantly the PDPPA Act.

66. The Court would like to see some real change in the ground in so far as meeting the target set by each of the District Collectors for demolition of the illegal prawn gheries. The demolition should be not only of the illegal prawn gheries but also of illegal prawn hatcheries. The Court directs that each of the demolition actions must be videographed to show that not only have they been effectively demolished but all the equipments used have actually been seized and taken away far from the site and detained in the custody of the authority concerned. The Court directs that each of the status report filed by the four Collectors will enclose pen drives/C.Ds. containing

the videographs of all the demolition actions along with their respective status reports to be filed by the next date.

67. The Court also directs each of the Collectors of Puri, Ganjam, Kendrapara and Khurda to immediately apply to the National Centre for Sustainable Coastal Management in Chennai and obtain satellite imagery of the areas in which the illegal shrimp/prawn farms and hatcheries are operating; place those satellite imagery maps before the Court to indicate the exact locations of such illegal farms and hatcheries, indicate the action that has been taken to remove such illegal farms and further to confirm to the Court that all those sites have been re-visited on weekly basis thereafter to ensure the demolished farms and hatcheries have not reemerged. The status reports enclosing the satellite imagery maps and all of the above information will be made available before the next date of hearing with an advance copy to the learned AC to enable him to make his submissions thereon.

68. The status reports will be accompanied by a chart giving the details of the FIRs registered contemporaneous with every demolition action and showing the provisions under which the FIRs have been registered and what action was taken on the FIRs so registered.

69. The Court also directs the concerned Police Stations in each of the four Districts to ensure that the investigation in each of these FIRs is not delayed; the charge-sheets are properly filed; that the

cases are taken to the logical end without undue delay. A direction is issued to the Director General of Police, Odisha to ask for monthly reports from the SHOs of the concerns PSs in these four Districts, specific to the demolition/raids undertaken pursuant to the directions of this Court to remove the illegal prawn gheries.

Interpretation of the CAA Act

70. The Court now turns to the issues raised by the Intervenors specific to the interpretation of the various provision of the CAA Act. The provisions themselves have been set out hereinbefore. It does appear that the purport of the provisions of the CAA Act is to ensure that all persons undertaking the activity of coastal aquaculture in a coastal area have to compulsorily get the operation/farms registered. If they do not have any such registration as mandated under Section 13 (1) read with Section 13 (4) (5) and (9), then straightaway they invite action under Section 14 of the CAA Act.

71. The Court is informed that all of the figures of illegal prawn gheries that remain to be demolished, as is evident from the affidavits of the Collectors of Puri, Ganjam, Kendrapara and Khurda, refer to illegal prawn gheries i.e. those operating in the coastal area without a registration. Therefore, there should be no problem at all in proceeding to demolish all such illegal prawn gheries.

72. In terms of Section 13 (8) that can be no registration of a fresh prawn gherry/farm in the CRZ area. If there is any such farm in a coastal area, which is beyond the prohibited area under Section 13

(8) of the CAA Act and which is not a traditional coastal aquaculture firm, for which the governing provisions are Section 13 (1) read with Section 13 (9) of the CAA Act, then again it cannot continue to operate without registration.

73. It is therefore abundantly clear that in a coastal area that cannot be any coastal aquaculture activity undertaken unless there is registration under the CAA Act.

74. Registration is different from licensing. The Court is told that the license is issued by the Marine Products Export Development Authority (MPEDA) and a license is valid for a period of five years. In other words, if a person operating a coastal aquaculture farm is unable to produce a valid registration as well as the license, such person cannot be allowed to continue to operate. In the check list prepared by the STFs, the two important requisites that required to be verified is whether the person operating the coastal aquaculture farm has a valid registration and has a valid license. The Court directs that the reports submitted by the STFs, should enclose the above checklists vis-à-vis each of the illegal prawn farms/gherries demolished and be placed before the Court by the next date along with the status reports of the District Collectors of the four districts.

75. The Courts directs the Union of India, Ministry of Agriculture to file an affidavit on the timeline within which it proposes to fill up the vacancies in the authority under the CAA Act i.e. the Chairperson as well as the Members. This is essential if indeed the CAA Act is to

have any meaningful effect on stopping the menace of illegal shrimp/prawn farming in the coastal areas of the State of Odisha.

Intervention applications

76. Having heard learned counsel for all of the Interveners, it appears to this Court that the refrain is that each of them is supposedly operating beyond the coastal area. Therefore, each of them claims that they do not require to be registered under the CAA Act and they do not have to get a license issued by the MPEDA. The State Government is yet to respond to these claims.

77. A direction is accordingly issued to the State Government to place before this Court a chart showing, vis-à-vis each of the Interveners, whether their claim that they are validly operating shrimp/prawn farms on their own lands is correct? Whether, in fact, the land in which they undertake such operation is beyond the coastal area? Whether there is no illegality committed by any of them under the CAA Act, the EPA, the PDPP Act, the WCM Rules or any other law for the time being in force? The State Government shall also indicate the status of the applications pending before the DLCs / SLCs for grant of registration / licenses and within what time such applications will be disposed of.

78. At this juncture accepting the averments in the Intervention Applications at their face value, the Court directs as an interim measure that till the next date of hearing, no coercive steps be taken against the Interveners unless the State authorities are able to confirm

that since they are operating within the coastal area in which case they cannot continue to operate as such.

79. List on 23rd September, 2021 at 2 P.M.

80. Copies of this order be delivered by Special Messenger to the D.G. of Police, the Collectors of Puri, Ganjam, Khurda and Kendrapara forthwith for compliance.

(Dr. S. Muralidhar)
Chief Justice

(B.P. Routray)
Judge

S. K. Jena/M. Panda

