

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, Assistant Solicitor General

Mr. Debakanta Mohanty, Addl. Govt. Advocate

Mr. Ishwar Mohanty, Addl. Standing Counsel

Mr. Tarun Patnaik, Addl. Standing Counsel

Mr. Akhaya Biswal, Advocate

Mr. B.P. Pradhan, Advocate

Mr. B.P. Das, Advocate

Mr. Sukanta Kumar Dalai, Advocate

Mr. S.P. Mohanty, Advocate

Mr. Manoj Mohanty, Advocate

Mr. Santanu Ku. Sarangi, Senior Advocate

Dr. Adish C. Aggarwal, Senior Advocate

CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH

ORDER
15.09.2022

Order No.

72. ***Krushna Prasad Tahasil***

1. Pursuant to the directions issued by this Court in its order dated 11th August, 2022 as regards the illegal gherries in the Pattanasi areas of Krushna Prasad Tahasil, a detailed affidavit has been filed by the Collector, Puri on 13th September, 2022 *inter alia* pointing out that as many as 13 FIRs have been registered and several illegal net gherries have been dismantled. He points out that the Revenue Inspector and Asst. Revenue Inspector of Krushna Prasad

Tahasil have been placed under suspension by an order dated 17th August, 2022 and the Tahasildar has also been transferred. Mr. Samarth Verma, the Collector, Puri who has appeared in virtual mode assures the Court that intense patrolling of the area is being undertaken and every effort is being made to ensure that there is no re-emergence of the already dismantled illegal net gherries.

2. Mr. Mohit Agarwal, learned Amicus Curiae (AC) drew the attention of this Court to photographs showing earthen gherries having come up in several areas in Chilika lake thereby creating artificial ponds where illegal prawn gherries could become operational. Mr. Verma states that he will examine each of these instances and deploy additional manpower to ensure that the unauthorized earthen gherries are dismantled. The Court has also been shown video clips taken from the side of the Collector, Puri about the action taken to remove some parts of the earthen gherries as well. A further affidavit in this regard be filed by Mr. Verma before the next date.

Policy regarding traditional fishermen and non-fishermen

3. As regards the directions issued by this Court to the Chilika Development Authority (CDA) in the order dated 4th April, 2022 that a policy should be formulated for traditional fishermen and non-fishermen, there is no response as yet filed by the CDA. It was suggested on behalf of some of the interveners/applicants represented by Mr. Sukanta Kumar Dalai, Advocate that the Revenue Department should perhaps also be involved in the formulation of such policy.

4. Since this Court was at that point in time informed that it would be the CDA which would be best suited to examine the entire issue objectively and submit recommendations to the State Government, those directions were issued. The ultimate object is to have a policy formulated to cater to the demands of the traditional fishermen and non-fishermen operating in the area.

5. The Court would like to reiterate the directions issued in para 9 of its order dated 4th April, 2022 and directs that in addition to the CDA, the State Government in the Department of Revenue will also examine the entire issue and perhaps in consultation with the CDA present a policy before the Court within a period of two months from today.

Raj Kanika Tahasil

6. As regards Raj Kanika Tahasil, Kendrapara, an affidavit has been filed by the Deputy Collector (Revenue), Kendrapara on 17th August, 2022 confirming that all four sides of the illegally erected prawn gherry in village Taradeipur of Raj Kanika Tahasil has been completely demolished and an FIR has also been registered in that regard. It is stated in the affidavit there is no re-emergence of 53 nos of prawn gherries are demolished.

7. A further affidavit about removal of the remaining prawn gherries over an area of (Ac 319.67 dec – Ac 282.14 dec) be filed in this Court before the next date.

Water quality of Chilika and Bhitarkanika

8. The State Pollution Control Board, Odisha (SPCB) has filed an affidavit on 11th September, 2022 regarding quality of the water both at Chilika as well as Bhitarkanika enclosing with the affidavit the data of test results. In para 12 of this affidavit, suggestions for improving of quality of the water in both water bodies have been set out.

9. The State Government will examine the suggestions and ensure that they are implemented in letter and spirit. The Amicus Curiae will also further study the affidavit and suggest, if any, further directions are required in this regard on the next date.

10. The learned Amicus Curiae has pointed out that one contributor to the discharge of untreated effluent into the Chilika Lake is the Gangua Nala, which connects the Kuakhai river to the Daya river flowing through Bhubaneswar City and which Daya river ultimately drains into the Chilika lake. The point at which Gangua Nala drains into the Daya river, has water of not acceptable quality, even according to the SPCB, whose Member Secretary Mr. Murugesan was present in virtual mode at today's hearing. He states that although there are sufficient sewerage treatment plants erected, they have to be properly integrated for effective results. That requires concerted action of the State Government.

11. Mr. D.K.Mohanty, learned Additional Government Advocate states that the State Government will hold consultative meetings with not only the SPCB, the Bhubaneswar Municipal Corporation

but also with the Residents Welfare Associations, which may be discharging untreated effluent from their premises into Gangua Nala. The outcome of the above deliberations be placed before this Court along with an affidavit by the State Government before the next date.

12. The personal appearance of Mr. Murugesan, Member Secretary, SPCB is dispensed with for the time being.

I.A. Nos.12647, 12648, 12649, 12650, 12651, 12716, 12717 and 12718 of 2022

13. These applications have been filed by certain interveners, who are represented by their counsel Shri Santanu Kumar Sarangi, learned Senior Counsel. The cases in which Mr. Manoj Mohanty, learned counsel appears are similar to the case of the present interveners. So far as these interveners are concerned, they have applied for permission to the District Level Committee (DLC) for undertaking Shrimp culture and they are awaiting clearance of the Coastal Aquaculture Authority, Chennai (CAA).

14. Although directions have been issued by this Court in para 14 of its order dated 4th April, 2022 that their cases will be disposed of within a period of four weeks, these applicants state that they are yet to hear from the CAA. According to them, although the DLC concerned has given its approval, they are yet to hear from the CAA.

15. The Secretary, CAA shall remain present in virtual mode on the next date.

I.A. No.13647 of 2021

16. Mr. Debakanta Mohanty, learned Additional Government Advocate seeks and is granted last opportunity to file a reply within three weeks. Rejoinder thereto, if any, be filed before the next date.

17. List on 26th October, 2022 at 2 pm.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

S.K. Jena/Secy.

