

**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, DSGI along with Mr. D.R. Bhokta, CGC  
Mr. Debakanta Mohanty, Additional Govt. Advocate  
Along with Mr. Ishwar Mohanty, ASC  
Mr. S.K. Dalai, Advocate  
Mr. Akhaya Biswal, Advocate  
Mr. B.P. Pradhan, Advocate  
Mr. B.P. Das, Advocate  
Mr. Manoj Kumar Mohanty, Advocate  
Mr. P. K. Rath, Advocate  
Mr. P.K. Mohapatra, Advocate  
Mr. S.K. Sarangi, Senior Advocate  
Mr. S.P. Mohanty, Advocate

**CORAM:**  
**THE CHIEF JUSTICE**  
**JUSTICE G. SATAPATHY**

**ORDER**  
**15.05.2023**

**Order No.**

**76. *Draft Policy of the State Government for fishing in Chilika***

1. An affidavit has been filed by the Additional Chief Secretary, Department of Revenue and Disaster Management, Government of Odisha dated 11<sup>th</sup> May, 2023 enclosing the minutes of a meeting held on 6<sup>th</sup> May, 2023 under the Chairmanship of the deponent regarding the procedure to be followed for finalizing the draft comprehensive policy for fishing in Chilika as furnished by the Chilika Development Authority (CDA). *Inter alia* the minutes sets out the following decisions:

“1. Since it is a sensitive issue, it requires wider consultation with different stakeholders taking into consideration the claims and counter claims of traditional fishermen, professional fishermen other than fishing caste, PFCSs etc.

2. Collectors of Puri, Khurdha & Ganjam should go through the draft policy in detail and furnish their views taking into consideration of the field position, law and order situation and potentiality of the sources. They should also suggest the preliminary lease value of the sources.

3. Concerned Tahasildars should finalize the list of fishery sairat sources in consultation with CDA and PFCSs.

4. Views & concurrence of other Departments like Fisheries & Animal Resources Development Department, Forest, Environment & Climate Change Department and Law Department are to be taken before finalizing the policy.

5. After due consultation, the draft policy may be placed before Chief Secretary, Odisha and approval of Hon’ble Chief Minister and the State Cabinet has to be obtained.

6. In view of the above, time petition seeking six months’ time may be prayed for placing a draft policy before the Hon’ble High Court, Odisha.”

2. Mr. Debakanta Mohanty, learned Additional Government Advocate (AGA) states that the expression ‘different stakeholders’ would obviously include the traditional and professional fishermen and PFCSs and, therefore, the clients of some of the counsel who are appearing in these matters, who have filed intervention applications.

3. The Court directs that the approved draft policy be placed before the Court within a period of six months as assured by the Government.

4. As regards permitting fishing activities in Chilika in the meanwhile, the Government of Odisha will take a decision at the district level on a case-by-case basis.

***Puri District***

5. Sri Pradeep Kumar Sahoo, the Additional District Magistrate (ADM), Puri is present in virtual mode and his affidavit dated 11<sup>th</sup> May, 2023 has been perused. *Inter alia*, it is stated that the satellite footage is now available to enable mapping of any illegal earthen gheries. Copies of some of the maps have been enclosed with the affidavit. It is stated that a library folder of drone footages taken on a daily basis will be preserved in the office of the Deputy Collector, Judicial, Puri for the purposes of effective monitoring. The details of the FIRs registered have also been enclosed. 122 cases have been registered after 30<sup>th</sup> April, 2023; in 108 cases chargesheets have been filed while 14 others are pending investigation.

6. The details of the eviction of unauthorized gheries between 10<sup>th</sup> January and 28<sup>th</sup> April, 2023 have been set out in a separate annexure to the affidavit. It has been assured that there is continuous patrolling of the already demolished illegal prawn gheries and that help lines have been set up for quick response in the event of re-emergence. The affidavit sets out the budget estimates in using both manual and mechanical methods of demolition of the illegal gheries.

7. The Court would like to reiterate that the issue is such that it would require constant vigilance and monitoring without any slackening of frequency or the measures already put in place.

***Ganjam District***

8. There is a separate affidavit dated 8<sup>th</sup> May, 2023 sworn to by Mr. Arun Kumar Nayak, the Tahasildar, Ganjam enclosing photographs of the demolition of illegal prawn gheries as well as the re-emerged gheries in some areas. It is stated that an FIR has been lodged on 29<sup>th</sup> January, 2023 against the encroachers. It is assured that the Revenue and Fisheries Officials are regularly patrolling the shore line of both the Chilika Lake as well as the Palur canal. The Court expects the said FIRs to be taken to the logical conclusion by completing the investigations and filing the charge sheets. The drone footages have also been placed on record.

9. It is stated that three aqua-culture ponds in Mouza Jagannathpur, stated to belong to the Applicant in I.A. No.13560 of 2021 (Ramjan Khan) are falling within 200 meters of the High Tide Line (HTL). Learned counsel appearing for the said Applicant (Ramjan Khan), however, informs the Court that as per the CRZ Notification, these three aqua-culture ponds would not fall within 100 meters of the HTL.

10. Mr. Debakanta Mohanty, learned AGA states that he will submit a specific reply to the above submission in a supplementary affidavit to be filed before the next date.

### ***Kendrapara District***

11. There is an affidavit dated 12<sup>th</sup> May, 2023 filed by Sri Rajendra Kumar Acharya, the Deputy Collector (Judicial), Kendrapara Collectorate setting out the present status regarding consideration of the 144 applications in the meeting of the SDLC held on 8<sup>th</sup> September, 2022. It is stated that a further 526 applications have been received which are under verification.

12. At this stage, it must be noted that Dr. V. Kripa, the Member Secretary of the Coastal Aquaculture Authority (CAA) appeared online and explained the contents of the counter affidavit dated 11<sup>th</sup> May, 2023 handed over in Court today. Annexure-A to the said affidavit is the details of the applications received from the DLCs of Bhadrak, Puri, Balasore, Jagatsinghpur, Ganjam and Kendrapara for fresh registration of Coastal Aquaculture Farms (CAFs) whereas the details of the applications received from the DLCs of Bhadrak, Balasore, Ganjam and Kendrapara for renewal of registration of CAFs has been set out at Annexure-B.

13. Copies of this affidavit be provided to learned counsel appearing for various interveners so that they can respond to the said affidavit in time. In the meanwhile, before the next date the DLC will provide the CAA with the clarifications where available.

### ***Affidavit of the CDA***

14. An affidavit dated 10<sup>th</sup> May, 2023 of the Additional Chief Executive, Chilika Development Authority (CDA) has also been filed. Three sub-Committees have been constituted for hearing the grievance of both the traditional and non-fisherman in and around

Chilika Lake. On this basis, a draft policy suggestion has been made to the Government. Copy of the report, formulating a Leasing Policy for Chilika Lake is stated to have been submitted to the competent authority of the Government of Odisha.

15. The State Pollution Control Board (SPCB) is directed to file a separate affidavit on the issue of pollution of the Daya River and the Gangua Nala. The affidavit will explain the outcome of the meetings supposed to have been held by the SPCB with the Resident Welfare Associations which are stated to have been discharging untreated effluents into the above water bodies.

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16. A last opportunity is granted to the State Government to file a reply to this writ petition within six weeks. Rejoinder thereto, if any, be filed before the next date.

**I.A. No.13647 of 2021**

17. Mr. Debaknta Mohanty, learned AGA assures that the reply will positively be filed to this application before the next date.

18. List on 3<sup>rd</sup> August, 2023.

**(Dr. S. Muralidhar)**  
**Chief Justice**

**(G. Satapathy)**  
**Judge**