

IN THE HIGH COURT OF ORISSA : CUTTACK

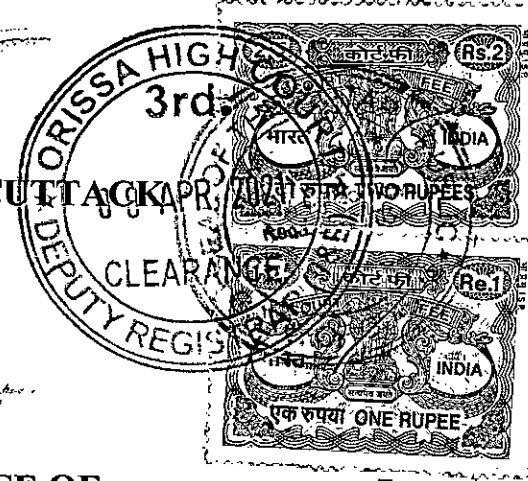
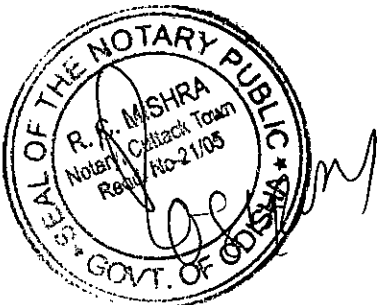
W.P.(C) No.7118 of 2021

In Re : Olive Ridley Turtles

**STATUS REPORT IN COMPLIANCE OF
ORDER DTD. 19.03.2021 ON BEHALF OF
FISHERIES & ANIMAL RESOURCES
DEVELOPMENT DEPARTMENT, ODISHA**

I, Sri Basant Kumar Dash, aged about 55 years, Son of Sri Sanatan Dash, at present working as Deputy Director of Fisheries, Cuttack, At/P.O.: Mangalabag, Dist.: Cuttack, do hereby solemnly affirm and state as follows:

1. That, I am working as Deputy Director of Fisheries, Cuttack. I have been duly authorized by the Commissioner-cum-Secretary to Government, Fisheries and Animal Resources Development Department, Odisha, Bhubaneswar to swear this Affidavit on his behalf.
2. That, it is submitted that the Adjudicating Officer, OMFRA-cum-Deputy Director of Fisheries, Marine South, Cuttack has taken the following actions.
 - a) Registration Certificate and fishing license of fishing vessel named 'New Janani-1' bearing Registration No.IND-OR-01-MM-514 has been

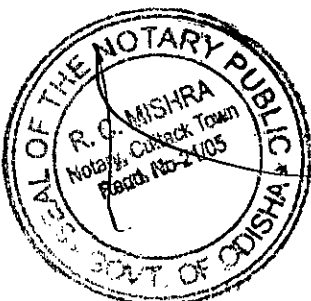


Basant Kumar Dash

cancelled by the Adjudicating Officer, OMFRA-cum-Deputy Director of Fisheries, Marine South, Cuttack vide order No.201, dtd. 31.03.2021 (**Annexure – A**). Said Order dtd. 31.03.2021 has been duly received and acknowledged by the owner of the boat namely - Sri Makhan Mandal (**Annexure – B**).

- b) All Additional Fisheries Officers (Marine), Balasore, Kujang, Puri and Ganjam along with IIC, Talchua Marine Police Station have been directed vide letter No.203, dtd. 31.03.2021 of Adjudicating Officer, OMFRA-cum-DDF to immediately seize the Fishing Boat 'New Janani-1' bearing Registration No.IND-OR-01-MM-514(**Annexure – C**).
- c) The IIC, Marine Police Station, Talachua, Kendrapara has been requested vide letter No.207, dtd. 31.03.2021 of Adjudicating Officer, OMFRA-cum-DDF to investigate the incident and provide details of other illegal boats engaged in the incidence held on 15.03.2021 for seizure as per codal procedure of OMFRA(**Annexure – D**).

कानून
नियंत्रण
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3. That, the deponent craves leave of this Hon'ble Court to file further Affidavit(s) as and when required, for an effective adjudication by the Hon'ble Court.

4. That, the facts stated above are true to the best of my knowledge, belief and based on available records.

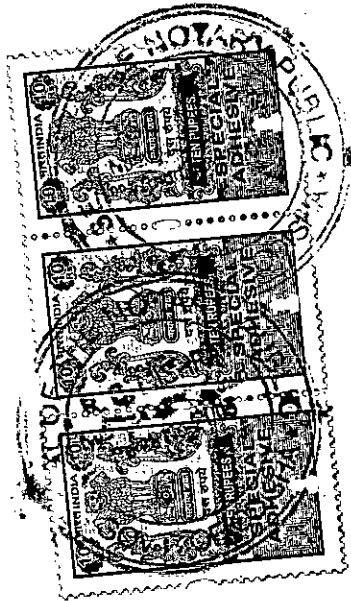
Identified by
Surendra Bhuyan
Advocate's Clerk *8/4/21*
A.G's Office.
Cuttack.
Date : *8* /04/2021

By R.C. Mishra
DEPONENT *8-4-21*

Certified that Cartridge papers are not available.

[Signature]

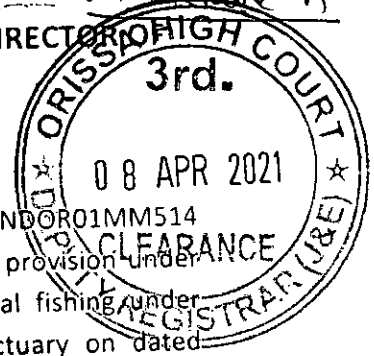
ADDL. GOVERNMENT ADVOCATE



Solemnly affirm on In oath by the Deponent at Cuttack on *8/4/21* being identified by *S. Bhuyan* Advocate/Adv's Clerk/Aso. AG'S office/Notary Personality, that the facts stated above are true to the best of his/her knowledge.

[Signature]
R. C. MISHRA, Notary Cuttack Town (ODISHA)
Redg. No-21705,

OFFICE OF THE ADJUDICATING OFFICER, OMFRA-CUM-DEPUTY DIRECTOR OF FISHERIES, MARINE SOUTH, CUTTACK



Order No 201 /dated 31-3-21

The registration certificate and fishing licence of the fishing vessel bearing No INDOR01MM514 namely New Janani-1 of Sri Makhan Mandal is hereby cancelled as per the provision under section 17(2)(a)(i) under OMFRA, 1982 with immediate effect due to illegal fishing under Section 4 of OMFRA, 1982 in prohibited area of Gahirmatha Marine Sanctuary on dated 15.03.21 and being involved in obstructing the patrolling party and threatening to their lives which was informed by the Range Officer, Gahirmatha to IIC, Talchua, Marine PS through his FIR dated 16.03.21.

Nkh
31/3/21

Adjudicating Officer, OMFRA
-cum-DDF, MS, Cuttack
Adjudicating Officer OMFRA-cum-
Deputy Director of Fisheries
(Marine South), Cuttack

Memo No 202 /date 31.3.21

Copy to

1. Mr Makhan Mandal, At/Po-Jayadurgapata, PO-Dhamara, PS-Bansda, Bhadrak, Owner of the fishing vessels bearing no INDOR01MM514 for information and he is instructed not to ply his boat for fishing.
2. Copy to the Additional Fisheries Officer (Marine), Balasore for information. He is directed to ensure strict implementation of the aforesaid order and seize the boat immediately and keep it in safe custody for further action. He is also directed to serve the copy of the order.
3. Copy to the Private Secretary to Commissioner-cum-Secretary, F & ARD Department for information of Commissioner-cum-secretary.

Nkh
31/3/21

Adjudicating Officer, OMFRA
-cum-DDF, MS, Cuttack
Adjudicating Officer OMFRA-cum-
Deputy Director of Fisheries
(Marine South), Cuttack

Xerox copy attached

Nkh
31/3/21

Dy. Director of Fisheries
(MC) Cuttack

- 5 -

OFFICE OF THE ADJUDICATING OFFICER, OMFRA-CUM DEPUTY DIRECTOR OF FISHERIES, MARINE SOUTH, CUTTACK

Order No 201 /date 31.3.21

The registration certificate and fishing license of the fishing vessel bearing No. INDOR01MM514 and name, 'Mekhan' of Sri Makhan Mandal is hereby cancelled as per the provisions of section 4 (2)(a)(i) under OMFRA, 1982 with immediate effect due to illegal fishing as per section 4 of OMFRA 1982 in prohibited area of Galirmatha Marine Sanctuary on date 15.03.21 and being involved in obstructing the patrolling party and threatening to their lives which was informed by the Range Officer, Galirmatha to IIC Talihua, Marine PS through phone on date 15.03.21

Adjudicating Officer, OMFRA
cum- DDF, MS, Cuttack
Adjudicating Officer OMFRA cum
Deputy Director of Fisheries
(Marine South), Cuttack

Memo No 202 /date 31.3.21

Copy to

- 1. Mr Makhan Mandal, At/Po-Jayadurgapata PO-Dhamara, PS-Bansda Bhadrak Taluk of the fishing vessels bearing no INDOR01MM514 for information and he is instructed not to ply his boat for fishing
- 2. Copy to the Additional Fisheries Officer (Marine) Balasore for information. He is directed to ensure strict implementation of the aforesaid order and seize the boat immediately and keep it in safe custody for further action. He is also directed to send the copy of the order
- 3. Copy to the Private Secretary to Commissioner-cum-Secretary, F & ARD Department for information of Commissioner-cum-secretary

Adjudicating Officer, OMFRA
cum- DDF, MS, Cuttack
Deputy Director of Fisheries
(Marine South), Cuttack

Received the Copy
of the order No-201/31.3.21

Mekhan Mandal
03/04/21
Time - 05.07 PM
9728021978

Xerox copy attested
By Director of Fisheries
(NK) Cuttack

Annexure - C

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**OFFICE OF THE ADJUDICATING OFFICER, OMFRA-CUM-DEPUTY DIRECTOR OF
FISHERIES, MARINE SOUTH, CUTTACK**

Letter No. 203 / Dated. 31-3-21

To
The Additional Fisheries Officer (M), Balasore
Subj:- Seizure of Fishing Boat namely New Janani-1 bearing registration number IND-OR-01-MM-514-reg.
Sir,

With reference to the subject cited above, I am to say that, as per the orders of Hon'ble High Court of Odisha passed on dated 19.03.2021 with respect to the W.P(c) PIL No. 7118 of 2021 that the patrolling team of the Gahirmatha wildlife Range and APR police staff detected a fishing boat in the sanctuary area on 15.03.21 at 10.30 P.M. when the fishing boat was intercepted and the crew members of the trawler attacked the patrolling staffs with sharp weapons. As a result, five number of patrolling staffs sustained injuries. Further the said fishing boat called upon ten further trawlers and all of them ganged up to drown the patrolling boat along with patrolling staffs. In the eventuality the patrolling boat was badly damaged and staff suffered injuries.

Sri Debasis Bhoi, Range Officer, Gahirmatha Wild Life Range lodged an F.I.R on 16.03.2021 with the IIC, Talachua Marine PS, Kendrapara stating prohibitory action undertaken by crew members of New Janani-1 during interception of the said boat at Gahirmatha Marine sanctuary spot N 20 39 41.6, E 087 1326.8. and a complaint was lodged with F.I.R. no 0034 dated 16.03.2021 at 19.50 hrs.

During enquiry of details of New Janani -1 boat it was found that the boat belongs to NM Traders, Prop-Makhan Mandal At- Jaydurgapatna Po-Dhamara Ps-Bansada Dist-Bhadrak.(Contact no- 9738021978) bearing registration number IND-OR-01-MM- 514 registered at Dhamara ME unit under jurisdiction of Addl.Fisheries Officer (Marine), Balasore (Copy enclosed)

In this context you are hereby instructed to seize the said boat immediately and keep under safe watch and ward at Dhamara Fishing Harbour until further orders.

This may be treated as most urgent.

Yours faithfully,

Nishu
31/3/21
Adjudicating Officer, OMFRA
-cum-DDF, MS, Cuttack

Memo No. 204 /Dt. 31-3-21

Copy forwarded to PS to Commissioner-cum-Secretary, F & ARD Dept., Govt. of Odisha, Bhubaneswar for favour of kind information of Commissioner-cum-Secretary.

Nishu
31/3/21
Adjudicating Officer, OMFRA
-cum-DDF, MS, Cuttack

Memo No. 205 /Dt. 31-3-21

Copy forwarded to the District Fisheries Officer, Kendrapara/ Additional Fisheries Officer Marine, Kujang/Puri/Ganjam for information and necessary action. They are instructed to nab and seize the said boat if found in your any of the base of operation.

Nishu
31/3/21
Adjudicating Officer, OMFRA
-cum-DDF, MS, Cuttack

Memo No. 206 /Dt. 31-3-21

Copy forwarded to the IIC Talchua Marine PS for information and necessary action . He is requested to assist the Additional Fisheries Officer, Marine, Balasore to seize the boat IND-OR-01-MM-514.

Nishu
31/3/21
Adjudicating Officer, OMFRA
-cum-DDF, MS, Cuttack

Xerox copy attached
Nishu
28/3/21

Dy. Director of Fisheries
(M.) Cuttack

OFFICE OF THE ADJUDICATING OFFICER, OMFRA-CUM-DEPUTY DIRECTOR OF FISHERIES, MARINE SOUTH CUTTACK

Letter No: 207 /Date: 31-3-21

To
The IIC,
Marine Police Station,
Talachua, Kendrapara

Sub: Violation of OMFRA by the fishing boat namely New Janani-1 bearing Regn. No:IND-OR01MM-514 and threatening of life to the crew of the patrolling boat during interception

Sir,

In inviting a reference to the above subject, I am to inform you that a fishing boat namely New Janani-1 bearing Regn. No:IND-OR01MM-514 under OMFRA Act'1982 was involved in illegal fishing in prohibited areas of Gahirmatha sanctuary on 15.03.2021 at about 10.30 PM. When the boat was intercepted by the patrolling boat engaged by Forest Department, the crew members of the fishing boat attacked the crew of the patrolling boat and called other few boats (about 5-10 numbers). All these boats encircled the patrolling boat and tried to harm the crew members.

You are therefore requested to investigate the incident to find out the boats involved in such activity so as to initiate action against them as per provisions of OMFRA Act' 1982. Those boats may be seized and handed over to the Additional Fisheries Officer (Marine), Balasore forthwith for immediate seizure.

An urgent and prompt action may be initiated at your end.
This is for your information and necessary action.

Yours faithfully,

Nikhil
21/3/21
Adjudicating Officer, OMFRA-cum-DDF, MS, Cuttack

Memo No: 208 /Date: 31-3-21

Copy submitted to the Superintendent of Police, Kendrapara/Bhadrak for favour of information and necessary action.

Nikhil
21/3/21
Adjudicating Officer, OMFRA-cum-DDF, MS, Cuttack

Memo No: 209 /Date: 31-3-21

Copy submitted to the Commandant, Coast Guard, DHQ-7(Odisha), Badapadia Paradeep, Jagatsinghpur for favour of information and he is requested to nab the fishing boat bearing Regn. No:IND-OR01MM-514 which has not yet returned to its operating base Dhamara fishing harbour.

Nikhil
21/3/21
Adjudicating Officer, OMFRA-cum-DDF, MS, Cuttack

Xerox copy attached
Nikhil
21/3/21

Dy. Director of Fisheries
(MS) Cuttack