

IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No. 397 of 2019

Labakrushna Mandal

....

Appellant

Mr. Manoj Kumar Mohanty, Advocate

-versus-

State of Odisha & Others

....

Respondents

Mr. Debakanta Mohanty, AGA

**CORAM:
THE CHIEF JUSTICE
JUSTICE M. S. RAMAN**

**ORDER
10.11.2022**

Order No.

06. 1. The challenge in the present writ appeal is to an order dated 6th September, 2019 passed by the learned Single Judge disposing of W.P.(C) No. 16180 of 2019 filed by the present appellant by relegating the Appellant to the Civil Court for adjudication of the dispute raised by the Appellant.
2. Before the learned Single Judge, the prayer by the Appellant was for a direction to the Opposite Parties not to demolish the prawn culture farm and the ponds situated on the suit land in Rajnagar Tahasil. The claim of the Appellant was that he is cultivating prawn in his own land and that it was not within the prohibited zone.
3. Mr. Manoj Kumar Mohanty, learned counsel for the Appellant states that at the time writ petition was filed, the legal requirement of the Appellant having to apply the Coastal Aqua Culture Authority

through the District Level Committee, Kendrapara had not been put in place. He, therefore, states that the appellant may be permitted at this stage to withdraw the writ petition.

4. In the writ appeal, a counter has been filed by the District Forester Officer on behalf of State averring that the suit land is within of 5 K.M. range of Bhitarkanika National Park and therefore, lies in the prohibited Zone.

5. Be that as it may, if the Court views that these are issues to be determined under the current legal regime not by a Civil Court, but by the Coastal Aqua Culture Authority which will make a factual determination of the exact location of the suit land and whether permission should be granted for cultivation of prawns therein.

6. Therefore, while acceding the prayer of the Mr. Mohanty, learned counsel for the appellant, the writ petition itself is now disposed of as withdrawn with liberty to the Appellant/Petitioner to approach the authority in question for permission in accordance with law. This order will, therefore, be in substitution of the impugned order of the learned Single Judge.

7. The writ appeal is disposed of with the above terms.

(Dr. S. Muralidhar)
Chief Justice

(M. S. Raman)
Judge

MRS/Laxmikant