

ಕರ್ನಾಟಕ ಸರ್ಕಾರ  
(ಮೀನುಗಾರಿಕೆ ಇಲಾಖೆ)

ಸಂಖ್ಯೆ:ಮೀನಿ/10/ಆರ್ ಎಸ್ ಹೆಚ್/2016

ಮೀನುಗಾರಿಕೆ ನಿರ್ದೇಶನಾಲಯ,  
3ನೇ ಮಹಡಿ ಪೋಡಿಯಂ ಬ್ಲಾಕ್,  
ವಿಶ್ವೇಶ್ವರಯ್ಯ ಕೇಂದ್ರ, ಡಾ:ಅಂಬೇಡ್ಕರ್ ವೀಧಿ,  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ:11-08-2016.

ಗೆ:

ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು,

ಮಾನ್ಯರೆ,

ವಿಷಯ: ಆಫ್ರಿಕನ್ ಕ್ಯಾಟ್‌ಫಿಶ್ ಪಾಲನೆ, ಮಾರಾಟ, ಸಾಗಾಣಿಕೆ - ನಿಷೇಧಿಸುವುದಕ್ಕೆ  
ಸಂಬಂಧಿಸಿದಂತೆ ಕರ್ನಾಟಕ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಆದೇಶವನ್ನು  
ಅನುಷ್ಠಾನಗೊಳಿಸುವ ಕುರಿತು.

ಉಲ್ಲೇಖ: 1) ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ಪ್ರಕರಣ ಸಂಖ್ಯೆ:34779/2013 ದಿ:25-04-16  
ಮತ್ತು 26-04-2016ರ ತೀರ್ಪು.

2) ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಪ್ರಕರಣ ಸಂಖ್ಯೆ:30011/2012(GM-RES-PIL)  
ದಿನಾಂಕ:6-2-2013 ತೀರ್ಪು.

3) ಈ ಕಛೇರಿಯ ಪತ್ರ ಸಂಖ್ಯೆ:ಆರ್ ಎಸ್ ಹೆಚ್/18/2012-13 ದಿನಾಂಕ:16-07-2013.

=====

ಕರ್ನಾಟಕ ರಾಜ್ಯದಲ್ಲಿ ನಿಷೇಧಿತ ತಳಿಯಾದ "ಆಫ್ರಿಕನ್ ಕ್ಯಾಟ್‌ಫಿಶ್" ಪಾಲನೆ ಮಾಡಿ ಮಾರಾಟ  
ಮಾಡುವುದಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಉಲ್ಲೇಖ(2)ರ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ತೀರ್ಪಿನಲ್ಲಿ ರಾಜ್ಯದ ಎಲ್ಲಾ  
ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಿಗೆ ಸದರಿ ಕ್ಯಾಟ್‌ಫಿಶ್ ಪಾಲನೆ ಮತ್ತು ಮಾರಾಟವನ್ನು ನಿಷೇಧಿಸಲು ತಕ್ಷಣ ಕ್ರಮಕೈಗೊಳ್ಳಲು  
ಆದೇಶಿಸಲಾಗಿದೆ. ಕೋರ್ಟಿನ ಆದೇಶದ ಪ್ರತಿಯನ್ನು ಮೀನುಗಾರಿಕೆ ಇಲಾಖೆ ವೆಬ್‌ಸೈಟ್‌ನಲ್ಲಿ  
ನೋಡಬಹುದಾಗಿದೆ.([www.karnataka.gov.in/fisheries](http://www.karnataka.gov.in/fisheries))

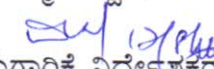
ಸದರಿ ತೀರ್ಪನ್ನು ಪ್ರಶ್ನಿಸಿ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಪ್ರಕರಣ ಸಂಖ್ಯೆ:34779/2013:ಎಸ್‌ಎಲ್‌ಪಿ:  
ದಾಖಲಾಗಿತ್ತು. ಈ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಉಲ್ಲೇಖ(1)ರ ತೀರ್ಪಿನಲ್ಲಿ ಎಸ್‌ಎಲ್‌ಪಿಯನ್ನು ವಜಾ  
ಗೊಳಿಸಲಾಗಿದೆ.(ಪ್ರತಿ ಲಗತ್ತಿಸಿದೆ)

ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ತಮ್ಮ ಜಿಲ್ಲೆಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ನಿಷೇಧಿತ ತಳಿಯಾದ ಆಫ್ರಿಕನ್ ಕ್ಯಾಟ್‌ಫಿಶ್ ಪಾಲನೆ  
ಮತ್ತು ಮಾರಾಟವನ್ನು ಮಾಡುತ್ತಿದ್ದಲ್ಲಿ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಆದೇಶದಂತೆ ಸೂಕ್ತ ಕ್ರಮವಹಿಸಲು ಕೋರಿದೆ.

ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಹೊರಡಿಸಿರುವ ಆದೇಶದ ಪ್ರತಿಯನ್ನು ಮಾಹಿತಿಗಾಗಿ ಕಳುಹಿಸಿ  
ಕೊಡಲಾಗಿದೆ(ಪ್ರತಿ ಲಗತ್ತಿಸಿದೆ).

ಈ ನಿಟ್ಟಿನಲ್ಲಿ ತಮಗೆ ಸೂಕ್ತ ಮಾಹಿತಿ ಮತ್ತು ವಿವರಗಳನ್ನು ಒದಗಿಸಲು ಮೀನುಗಾರಿಕೆ ಇಲಾಖೆಯ  
ಅಧಿಕಾರಿಗಳಿಗೆ ಸೂಚನೆ ನೀಡಲಾಗಿದೆಯೆಂದು ತಮ್ಮ ಗಮನಕ್ಕೆ ತರಬಯಸುತ್ತೇನೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ,

  
ಮೀನುಗಾರಿಕೆ ನಿರ್ದೇಶಕರು

order - ①

1

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 6<sup>TH</sup> DAY OF FEBRUARY 2013

PRESENT

***THE HON'BLE MR.K.SREEDHAR RAO, ACTING CHIEF JUSTICE***

AND

***THE HON'BLE MR.JUSTICE S. ABDUL NAZEER***

***WRIT PETITION NO.30011/2012(GM-RES-PIL)***

Between:

- 1 Sri D.M.Moulla,  
S/o Sri Shaik Masthan,  
Aged about 40 years.
- 2 Sri Alla Bhakash,  
S/o late Karim Sab,  
Aged about 60 years.
- 3 Sri Saleem,  
S/o Sri Mohammed Masthan,  
Aged about 36 years.
- 4 Sri Syed Musthak,  
S/o Sri Syed Yusuff,  
Aged about 38 years.
- 5 Sri Majid Khan,  
S/o sri Kasim Khan,  
Aged about 65 years.

- 6 Sri Shaik Fakruddin,  
S/o Sri Shaik Masthan,  
Aged about 46 years.
- 7 Sri B.K. Mohamed Abbas,  
S/o late B.K. Mohamed Goush,  
Aged about 50 years.
- 8 Sri Syed Shabir,  
S/o Sri Syed Sardar,  
Aged about 30 years,  
R/a Budensab Palya,  
Bagalur Post, Bangalore North.
- 9 Sri Saifulla,  
S/o late Rehman Baig,  
Aged about 50 years.
- 10 Sri R. Mohammed Fakruddin,  
S/o late R.Md. Suleman,  
Aged about 50 years.
- 11 Sri Afroz Khan,  
S/o Sri Moosa Khan,  
Aged about 42 years.
- 12 Sri C. Nazeer,  
S/o Sri Chaina Bashu,  
Aged about 40 years.
- 13 Sri Baba Jan,  
S/o Sri Budansab,  
Aged about 45 years.

14 Sri Moula Ali,  
S/o Sri Fakruddin Sab,  
Aged about 50 years.

15 Sri Mohammed Ghouse,  
S/o Sri M.D.Samiulla,  
Aged about 28 years.

Petitioner Nos. 1 to 7 and 9 to 15  
are r/a Razaksab Palya, Jala Hobli,  
Bagalur Post, Bangalore North Taluk,  
Bangalore – 562 149. .... Petitioners.

(By Sri M. Sreenivasa, Adv.)

And:

1 The Union of India,  
Ministry of Agriculture,  
Department of Animal Husbandry &  
Dairying (Fisheries Division),  
New Delhi – 11,  
Reptd. By its Secretary.

2 The State of Karnataka,  
Animal Husbandry and Fisheries Department,  
M.S.Bldg., Dr.B.R.Ambedkar Road,  
Bangalore – 1,  
Reptd. By its Secretary.

3 The Deputy Commissioner,  
Bangalore Urban District,  
D.C.Compound, Bangalore – 9.

- 4 The Assistant Commissioner,  
Bangalore North Taluk,  
Kandaya Bhavan D.C.Compound,  
Bangalore – 9.
- 5 The Tahasildar,  
Bangalore North Taluk,  
Yelahanka New Town,  
Bangalore – 84.
- 6 The Assistant Director of Fisheries,  
(Grade-1), Cubbon Park,  
Bangalore Urban District,  
Bangalore-1.
- 7 The Station House Officer,  
Bagalur Police Station,  
Bagalur, Jala Hobli,  
Bangalore – 562 149.
- 8 Pollution Control Board,  
Bangalore Urban & Rural District,  
Seshadri Puram, Bangalore – 20,  
Rep. By its Commissioner.
- 9 Karnataka Power Corporation,  
Race Course Road,  
Bangalore – 560 001,  
Reptd. By its Managing Director.
- 10 The Bagalur Grama Panchayath,  
Bagalur, Bangalore North Taluk,  
Bangalore Urban District- 562 149.



- 11 The Indian Air Force Station,  
Yelahanka, Bangalore North taluk,  
Bangalore – 64,  
Reptd. By its Chief Commandant.
- 12 The Bangalore International Airport Authority,  
Devanahalli, Bangalore District,  
Reptd. By its Executive Officer.
- 13 The Head Master,  
Rajack Palya, Govt. Urdu Higher  
Primary and Middle School,  
Rajack Palya, Jala Hobli,  
Bangalore North Taluk,  
Bangalore – 562 149.
- 14 The Principal/Head Master,  
Jawaharal Nehru Navodaya Vidyalaya,  
Bagalur, Jala Hobli,  
Bangalore North Taluk,  
Bangalore – 562 149.
- 15 The Head Master,  
Govt. Primary and Middle School,  
Bagalur, Jala Hobli,  
Bangalore North Taluk,  
Bangalore – 562 149.
- 16 The Head Master,  
Govt. High School,  
Bagalur, Jala Hobli,  
Bangalore North Taluk,  
Bangalore – 562 149.

- 17 The Principal,  
Govt. Junior College,  
Bagalur, Jala Hobli,  
Bangalore North Taluk,  
Bangalore – 562 149.
- 18 The Karnataka State Formers Multi  
Fisheries Farming, Developing, Welfare  
& Employment Trust,  
Having its Registered Office at  
Sy.No.170/2A, Budensab Falya,  
Bagalur Post, Jala Hobli,  
Bangalore North Taluk,  
Bangalore – 562 149,  
Reptd. By its Trustee Sri Asgar Jan,  
S/o Syed Abdul Jaleel.
- 19 Sri Akram Pasha,  
S/c Sri Pyara Sab,  
Aged about 36 years.
- 20 Sri Asgar Jan,  
S/o Sri Syed Abdul Jaleel,  
Aged about 59 years.
- 21 Sri Nawaz,  
Sri Sri Mohammed Rafi,  
Aged about 34 years.
- 22 Sri Syed Sulthan,  
S/o Sri Syed Rehaman,  
Aged about 26 years.

- 23 Sri J. Babajan,  
S/o late Chote Sab,  
Aged about 39 years.
- 24 Sri Aslam Pasha,  
S/o Sri Abdul Washead,  
Aged about 42 years.
- 25 Sri Mohammed Nadeem,  
S/o Sri Ismail Sab,  
Aged about 32 years.
- 26 Sri Syed Asgar,  
S/o Sri Sabdar Sab,  
Aged about 40 years.
- 27 Sri I.M.Fafruddin,  
S/o Sri Mohammed Ismail Sab,  
Aged about 42 years.
- 28 Sri Khader,  
S/o late Nazeer Ahmed,  
Aged about 36 years.
- 29 Sri I.M.Mouila,  
S/o Sri Ismail Sab,  
Aged about 48 years.
- 30 Sri Bhasheer,  
S/o Sri Ismail Sab,  
Aged about 38 years.



31 Sri Rahamathulla,  
S/o Sri Sabjan Sab,  
Aged about 56 years.

32 Sri Khader Ali,  
S/o Sri Sabjan Sab,  
Aged about 43 years.

33 Sri Peer Pasha,  
S/o Sri Shaik Ibrahim,  
Aged about 40 years.

Respondent Nos.19 to 33 are  
R/a Razacksab Palya, Jala Hobli,  
Bagalur Post, Bangalore North Taluk,  
Bangalore – 562 149.

34 Sri Babanjan,  
S/o late Abdul Rehman,  
Aged about 44 years.

35 Sri Ajaj Ahmed,  
S/o late Nazir Ahmed,  
Aged about 35 years.

36 Sri Jilly Baba Jan,  
S/o late Abdul Aziz,  
Aged about 45 years.

Respondent Nos.34 to 36 are  
R/a Budansab Palya, Bagalur Post,  
Bangalore North Taluk – 562 149.

37 The State of Karnataka,  
Reptd. By its Chief Secretary,  
Vidhana Soudha, Bangalore – 1. .... Respondents.

(By Smt.Gowhar Unnissa, CGC for R1 and R11  
Sri R.G.Kolle, AGA for R2 to R7, R13 to R17 and R37  
Sri D.Nagaraj, Adv. For R8  
Sri V.Y.Kumar, Adv. For R9  
Sri Sidharth B. Muehandi, Adv.for R12  
Sri A.G.Shivanna, Adv. For R33  
Smt. B.Sudha, Adv. For R18 to R32, R34 and R35  
Smt. Farah Fathima, Adv. For R10  
R36 served)

---

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to direct R3 to R9 to implement the prohibitory orders issued by respondent Nos.1 and 2 at Annexure 'A' dated 29.6.2000, Annexure 'B' dated 17.7.2000 and at Annexure 'C' dated 18.8.2000, etc.

This Writ Petition coming on for Preliminary Hearing this day, **S.ABDUL NAZEER.J.**, passed the following:

**ORDER****S.ABDUL NAZEER. J., (Oral)**

The petitioners are the residents of Razaqsab Palya and Budensab Palya Villages, Jala Hobli, Bangalore North Taluk. It is contended that Union of India, Ministry of Agriculture, Department of animal Husbandry and Dairying (Fisheries Division), New Delhi, has issued order dated 29.6.2000 prohibiting from rearing the African Cat Fish, which is locally called as Magur, Marvay, Marroof and Ane Meenu (Elephant Fish). Despite the said order, respondent Nos.18 to 36 have continued to rear the said fish at Razaqsab Palya, Budensab Palya and Masthansab Palya villages without authority of law. It is further contended that respondent Nos.18 to 36 are rearing the fish by feeding the chicken waste, decomposed waste of sheep, cows, buffaloes collected from the slaughter houses. The decomposed waste stored on the bank of the ponds and tanks are polluting the environment. Therefore, they have filed these writ petitions seeking

the following reliefs:

“(a) Call for the records from respondent Nos.1 to 9 which ultimately resulted in not taking the action against respondent Nos 18 to 36 from rearing the fish pursuant to the prohibitory orders issued by respondent Nos.1 and 2 Annexure 'A' dated 29.6.2000, Annexure 'B' dated 17.7.2000 and Annexure 'C' dated 18.8.2000 and also as per the order passed by this Hon'ble Court Annexure 'D' dated 23.2.2012 in W.P.No.33488/2011 and the order passed by the Hon'ble Supreme Court Annexure 'E' dated 6.7.2012 made in SLP(C) No.18021/2012.

(b) Issue a writ in the nature of writ of mandamus directing respondent Nos. 3 to 9, to implement the prohibitory orders issued by respondent Nos.1 and 2 Annexure 'A' dated 29.6.2000, Annexure 'B' dated 17.7.2000 and Annexure 'C' dated 18.8.2000 and also as per the order passed by this Hon'ble Court Annexure 'D' dated 23.2.2012 in W.P.No.33488/2011

and the order passed by the Hon'ble Supreme Court Annexure 'E' dated 6.7.2012 made in SLP(C)No.18021/2012.

(c) To declare that the civil proceedings initiated by respondent Nos.18 to 36 in O.S.No.601/2012 on the file of the Civil Judge at Devanahalli as illegal and without jurisdiction vide Annexure 'Q'.

(d) Issue a writ of mandamus directing respondent No.9 to disconnect the power supply for having utilising unauthorised power connection by respondent Nos.18 to 36 for the purpose of carrying on the fish farming (African Prohibitory Cat Fish) at Razacksab Palya, Masthan Sab Palya and Buden Sab Palya Villages, Jala Hobli, Bangalore North Taluk.”

2. Learned Counsel for the petitioners would contend that despite the finding of the competent authority as per Annexure 'A' and the prohibitory order at Annexure 'B', cat fish is reared in the aforesaid

villages. Respondent Nos.18 to 36 are rearing the fish by feeding the chicken waste, decomposed waste of sheep, cows and buffaloes collected from the the slaughter houses. The decomposed waste stored on the bank of the ponds and tanks are not only polluting the environment but also causing bad smell in the area causing health hazard. Despite the order passed by the Deputy Commissioner and District Magistrate, Bangalore at Annexure 'N', respondent Nos.18 to 36 have continued to rear African Cat Fish.

3. The private respondents have filed objections opposing the writ petition.

4. During the pendency of the writ petition, learned Additional Government Advocate has filed an affidavit stating that the authorities have already dismantled the ponds wherein the private respondents are rearing the African Cat Fish in the aforesaid villages.



5. At this stage, learned Counsel appearing for the petitioners submits that rearing of the cat fish is being carried on in different Districts especially in the **southern and coastal Districts** of the State of Karnataka. It is further submitted that the finding of the competent authority at Annexure 'A' would clearly disclose that it is a health hazard. In fact, the Fisheries Development Commissioner and Member Secretary of National Committee on Exotics has directed the authorities concerned to take immediate steps to destroy the stock of exotic magur and big head based in the entire country.

6. The materials on record would clearly show that Government of India, Ministry of Agriculture, Department of Animal Husbandry and Dairying (Fisheries Division) has passed an order at Annexure 'A' dated 29.6.2000, rejecting the representation filed by

one M/s C.D. Sebastian and four others challenging the instructions issued by the Government vide letter No.31015/1/96-Fy(5) dated 19.12.1997 addressed to all State Governments and Union Territories to take immediate steps to consider the existing stock of exotic magur and big head which have been introduced in the country without official sanction. The said representation has been dismissed by observing as under:

“5. Therefore, after due and careful consideration of the facts submitted by the petitioners and upon collecting factual information based on the scientific evidence furnished by the Fisheries Research Institutes of Indian Council of Agricultural Research, the appeal of the petitioner is rejected on the following grounds:

- (i) That *clarius griepinus* is an exotic fish and in line with the prescribed procedures for introduction of any exotic plant or animal every year is to be

exercised with regard to effect of the new species on the flora, fauna and the ecological environment of the country. African and European countries does not mean that they could be introduced into Indian waters unmindful of its impact within this country. There is no evidence to show that exotic magur found its way through rivers from neighboring countries. It is evident that the species has been introduced in an unauthorized and clandestine manner and not through natural sources.

(ii) The Indian species of oat fish (claris, batrachus) are much less predaceous as compared to the exotic magur, carnivorous feeding habit of any organism which means subsisting or feeding on animal tissue are considered for introduction based on its economical and ecological importance. The predatory habit of the cat fish species under consideration can lead to drastic changes in the ecosystem in the long run and can cause economic losses. Exotic magur feeds on fish when available and can switch over to other diets like crustacean

and molluses. While the native carnivorous species would not effect the ecological balance in the natural water bodies which have been established over a very long time period (thousands of year) the same cannot be presumed of the exotic magur. Further, farmers in UP have have experienced problems in culturing exotic magur with carps due to its carnivorous nature since it is inimical to carps in a mixed culture and also competes for the food available. Instances of cannibalism is also reported in pond culture. Although there is no natural hybridization with the local cat fish at present the possibility cannot be ruled.

(iii) That though many exotic species do not breed naturally, it is observed that exotic magur has been naturally reproducing in ponds (in UP) and has the potential to cause ecological damage, experiments have already been taken up in Central Institute of Freshwater Aquaculture to evaluate the exotic magur and indigenous cat fish along with their hybridixation. Though it has not been found to carry

any exotic disease as yet, the possibility of the exotic magur to be carriers of any exotic disease cannot be ruled out. Since husbandry practices are very rare the chances of epidemics in quite high.

(iv) That a decision on introduction of any exotic species into the culture system cannot be taken in isolation based on factors such high yielding capacity or its market value alone. Other factors especially its impact on the native species and on the eco-system has to be paid due attention to. Indiscriminate stocking of exotic magur in grows faster, it has a poor survival rate. Further, introduction of any exotic species requires the approval of the National Committee or Exotic Species set up for this purpose and the applicants should have applied to this Committee for introduction of any exotic species including exotic magur along with the recommendations of the concerned State Government.

The representation is therefore not sustainable, and is rejected.”



7. Thereafter, the Commissioner for Fisheries Development and Under Secretary of National Committee on Exotics has issued directions to the competent authorities to take steps to destroy the stock of exotic magur and big head based in the country. The direction is as under:

“COPY OF THE LTR.NO.33035/5/98-Fy(2) dated 17<sup>th</sup> July 2000 FROM SRI M.K.NAJR, FISHERIES DEVELOPMENT COMMISSIONER & MEMBER SECRETARY OF NATIONAL COMMITTEE ON EXOTICS, GOVERNMENT OF INDIA, MINISTRY OF AGRICULTURE, DEPARTMENT OF ANIMAL HUSBANDRY AND DAIRYING ADDRESSED TO THE SECRETARY INCHARGE OF FISHERIES, GOVERNMENT OF KARNATAKA, M.S.BLDG., BANGALORE.

SUB: Unauthorised introduction of exotic magur and big head reg.

\*\*\*

Sir,

Your kind attention is invited to this Ministry's circular No.31016/1/96-Fy(3) dated 19<sup>th</sup> Dec. 97 on the above mentioned subject. A representation for reconsidering the directives of this Ministry on this matter was received from a few fish culturists in



Kerala, who also filed a writ petition in the Kerala High Court challenging the notification issued by the Ministry of Agriculture in this regard. The Hon'ble High Court of Kerala in its judgment dated 7.9.1998 has directed this Ministry to pass order on the representation of the petitioners.

Accordingly, the matter was examined in the Ministry and an order disposing of the representation of the petitioners has been issued rejecting their prayer. Therefore, immediate steps to destroy the stock of exotic magur and big head based in the country has to be ensured.

Copy of the order is sent for your information and further necessary action at your end. An action take note in this subject may please be furnished at the earliest.

Yours faithfully,

Sd/-

(M.K. NAIR),

Fisheries Development Commissioner  
& Under Secretary of National  
Committee on Exotics."

8. In fact, the Deputy Commissioner and Magistrate, Bangalore District, has passed an order dated 30.5.2012 to take action to eradicate the African Cat Fish keeping in mind the health hazards to general public caused by the culturing and transportation of African Cat Fish in the villages Razaqsab Palya, Eudensab Paiya and Bagalur villages coming under the jurisdiction of Bagalur Village Pnachyath in Bangalore North Taluk. The operative portien of the order is as under:

**ORDER**

No.MAG.(4).Mis.CR:357/2011-12 Dated 30.5.2012

I, M.K.Ayyappa, I.A.S., Deputy Commissioner and Magistrate, Bangalore City District, under Section 133(1)(a) of Criminal Procedure 1973 pass order to formulate a team and take action to eradicate the African Cat Fish keeping in mind the health hazards to the general public caused by the culturing and transportation of African Cat Fish in the villages

Razaqsab Palya, Budensab Palya and Bagalur Villages coming under the jurisdiction of Bagalur Village Panchayath in Bangalore North Taluk and also the number of street dogs, eagles and pigs have increased since the above fish are fed with dangerous waste materials and epidemic diseases have spread.”

9. We are of the view that the Deputy Commissioners of all the Districts have to take steps to eradicate the African Cat Fish keeping as it causes health hazard to the general public. In so far as Razaqsab Palya, Budensab Palya and Bagalur Villages are concerned, since Cat Fishing rearing ponds have already been dismantled, strict vigil has to be kept to ensure that no such activity is repeated again in these areas. In so far as all the other Districts are concerned, immediate steps have to be taken for dismantling the Cat Fish rearing ponds in accordance with law and vigil has to be kept to ensure that no such activity is repeated again. Ordered accordingly.

10. Registry is directed to send a copy of this order to the Deputy Commissioners of all the Districts in the State of Karnataka. The Deputy Commissioners shall submit a compliance report to this Court through the learned Addl. Government Advocate within a period of six months from the date of receipt of a copy of this order. Writ petition is disposed of accordingly No costs.

*Sd/-*  
*ACTING CHIEF JUSTICE.*

*Sd/-*  
*JUDGE.*

BMM/-



ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಹಾಗೂ ಜಿಲ್ಲಾ ದಂಡಾಧಿಕಾರಿಗಳು, ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ, ಬೆಂಗಳೂರು ರವರ ನಡವಳಿಕೆಗಳು

ವಿಷಯ:- ಬೆಂಗಳೂರು ಉತ್ತರ [ಅಪರ] ತಾಲ್ಲೂಕಿನ ಬಾಗಲೂರು ಗ್ರಾಮ ಪಂಚಾಯತಿ ವ್ಯಾಪ್ತಿಯ ರಜಾಕ್‌ಪಾಳ್ಯ, ಬುಡೇನ್‌ಸಾಬ್‌ಪಾಳ್ಯ ಮತ್ತು ಬಾಗಲೂರು ಗ್ರಾಮಗಳಲ್ಲಿ ಆಫ್ರಿಕನ್ ಕ್ಯಾಟ್‌ಫಿಶ್ ಪಾಲನೆ ಮಾಡುವುದನ್ನು ತೆರವುಗೊಳಿಸುವ ಬಗ್ಗೆ.

- ಉಲ್ಲೇಖ:- 1) ರಜಾಕ್‌ಪಾಳ್ಯ, ಬುಡೇನ್‌ಸಾಬ್‌ಪಾಳ್ಯ ಮತ್ತು ಬಾಗಲೂರು ಸುತ್ತ ಮುತ್ತಲಿನ ಗ್ರಾಮಸ್ಥರು ನೀಡಿದ ಮನವಿ ದಿನಾಂಕ: 0303.2011  
2) ಭಾರತ ಸರ್ಕಾರದ ಪತ್ರ ಸಂ:31035/5/98 ಎಫ್‌ವೈ(2), ಮೀನುಗಾರಿಕೆ ವಿಭಾಗ, ಪಶುಸಂಗೋಪನೆ ಮತ್ತು ಡೈರಿ ಇಲಾಖೆ ರವರ ಪತ್ರ ದಿನಾಂಕ: 29.06.2000  
3) ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ರಿಟ್ ಪಿಟಷನ್ ನಂ.33488/2011ಗೆ ಸಂಬಂಧಿಸಿದ ಆದೇಶ ದಿನಾಂಕ: 23.02.2012.  
4) ಮೀನುಗಾರಿಕಾ ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, [ಶ್ರೇಣಿ-2], ಬೆಂಗಳೂರು ಉತ್ತರ ತಾಲ್ಲೂಕು ರವರ ಪತ್ರದ ಸಂ: ಆರ್‌ಪೆಬ್‌ಸಿ/ 1/10-11 ದಿನಾಂಕ: 12.04.2012, 16.05.2012.



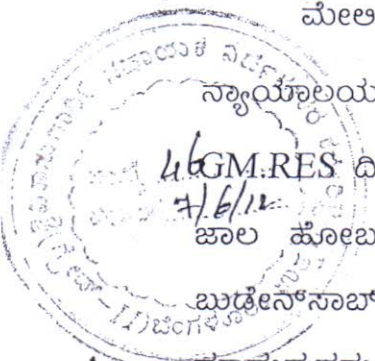
\*\*\*\*//\*\*\*\*

ಪ್ರಸ್ತಾವನೆ:-

ಮೇಲಿನ ವಿಷಯಕ್ಕೆ ಮತ್ತು ಉಲ್ಲೇಖಗಳ ಪತ್ರದಂತೆ, ಮಾನ್ಯ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ರಿಟ್ ಪಿಟಷನ್ ನಂ.33488/2011 ಮತ್ತು 42926-939/2011-46GM.RES ದಿನಾಂಕ: 23.02.2012 ರ ಆದೇಶದಲ್ಲಿ ಬೆಂಗಳೂರು ಉತ್ತರ [ಅಪರ] ತಾಲ್ಲೂಕು, ಜಾಲ ಹೋಬಳಿ, ಬಾಗಲೂರು ಗ್ರಾಮ ಪಂಚಾಯತಿ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವ ರಜಾಕ್‌ಪಾಳ್ಯ, ಬುಡೇನ್‌ಸಾಬ್‌ಪಾಳ್ಯ ಮತ್ತು ಬಾಗಲೂರು ಗ್ರಾಮಗಳಲ್ಲಿ ಆಫ್ರಿಕನ್ ಕ್ಯಾಟ್‌ಫಿಶ್ ಪಾಲನೆ ಮಾಡುವುದನ್ನು ತೆರವುಗೊಳಿಸುವಂತೆ ಆದೇಶಿಸಿರುತ್ತಾರೆ.

ಅದರಂತೆ ಸದರಿ ಮೀನಿನ ಪಾಲನೆಗೆ ಆಹಾರವಾಗಿ ಕಸಾಯಿಖಾನೆಯ ತ್ಯಾಜ್ಯವಸ್ತುಗಳು ಮತ್ತು ರೇಷ್ಯು ಹುಳುಗಳನ್ನು ಹಾಕುವುದು ಪರಿಸರ ಮಾಲಿನ್ಯ ಉಂಟಾಗುವುದಲ್ಲದೆ ಹೆದ್ದು, ಬೀದಿ ನಾಯಿಗಳ ಕಾಟ ಹೆಚ್ಚಾಗುತ್ತಿದ್ದು, ಸಾರ್ವಜನಿಕರ ಆರೋಗ್ಯಕ್ಕೆ ಹಾನಿಕರವಾಗಿರುತ್ತದೆ.

ಇಲ್ಲಿ ಮೀನು ಸಾಕಾಣಿಕೆ ಕೊಳಗಳನ್ನು ತೆರವುಗೊಳಿಸಲು ಸಾರ್ವಜನಿಕರಿಂದ ಮನವಿ ಪತ್ರ ಬಂದಿರುತ್ತದೆ. ಮತ್ತು ಈ ಸಂಬಂಧವಾಗಿ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಪ್ರಕರಣದ ಸಂ: 33488/2011 ದಿನಾಂಕ: 23.02.2012 ರಂದು ಆದೇಶವಾಗಿದ್ದು, 3 ತಿಂಗಳ ಒಳಗಾಗಿ ನೋಟಿಸನ್ನು ಜಾರಿ ಮಾಡಿ ತೆರವುಗೊಳಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದರೂ, ಸಹ ಇದುವರೆಗೂ ಸದರಿ



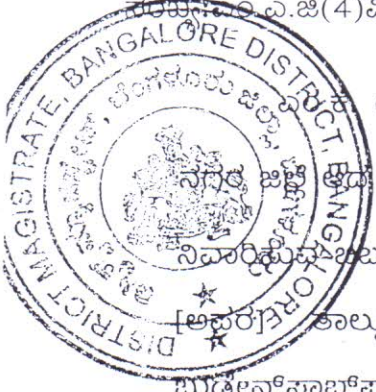
RSH/1/11/12  
For  
7/6/12

ಮೀನು ಕೊಳವನ್ನು ತೆರವುಗೊಳಿಸಿರುವುದಿಲ್ಲ. ಹಾಗೂ ಸಾಕಾಣಿಕೆ ಮತ್ತು ಮಾರಾಟ ನಿಲ್ಲಿಸಿರುವುದಿಲ್ಲವೆಂದು ಉಲ್ಲೇಖಿತ 4 ರ ಪತ್ರದಲ್ಲ ತಿಳಿಸಿರುತ್ತಾರೆ.

### ಆದೇಶ

ಬೆಂಗಳೂರು ಎ.ಜಿ(4)ಮಿಸ್:ಸಿಆರ್: 357/2011-12

ದಿನಾಂಕ: 30.05.2012



ಅಯ್ಯಪ್ಪ, ಭಾ.ಆ.ಸೇ, ಜಿಲ್ಲಾಧಿಕಾರಿ ಹಾಗೂ ಜಿಲ್ಲಾ ದಂಡಾಧಿಕಾರಿ, ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆ ಆದೇಶ ನಾನು Code of Criminal Procedure 1973 ಸಾರ್ವಜನಿಕ ಉಪದ್ರವಗಳನ್ನು ನಿವಾರಿಸುವ ಸಂಬಂಧ ಸೆಕ್ಷನ್ 133 ರಡಿ (1) [a] ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆ ಬೆಂಗಳೂರು ಉತ್ತರ [ಅಪರ] ತಾಲ್ಲೂಕಿನ ಬಾಗಲೂರು ಗ್ರಾಮ ಪಂಚಾಯತಿ ವ್ಯಾಪ್ತಿಯ ರಜಾಕ್‌ಪಾಳ್ಯ, ಬುಡೇನ್‌ಸಾಬ್‌ಪಾಳ್ಯ ಮತ್ತು ಬಾಗಲೂರು ಗ್ರಾಮಗಳಲ್ಲಿ ಆಫ್ರಿಕನ್ ಕ್ಯಾಟ್‌ಫಿಶ್ ಸಾಗಾಟ ಮತ್ತು ಮಾರಾಟದಿಂದ ಸಾರ್ವಜನಿಕರ ಆರೋಗ್ಯ ಹಾಗೂ ಈ ಕ್ಯಾಟ್‌ಫಿಶ್‌ಗಳಿಗೆ ನೂರಕವಾಣ ತ್ಯಾಜ್ಯಗಳನ್ನು ಆಹಾರವಾಗಿ ನೀಡುತ್ತಿರುವುದರಿಂದ ಬೀದಿ ನಾಯಿಗಳು, ಹದ್ದುಗಳು, ಹಂದಿಗಳು ಅತ್ಯಂತ ಹೆಚ್ಚಿನದಾಗಿ ವೃದ್ಧಿಯಾಗಿ ಸಾರ್ವಜನಿಕರಿಗೆ ವಿವಿಧ ರೀತಿಯ ಸೋಂಕುಗಳು ತಗುಲುತ್ತಿರುವ ಹಿನ್ನೆಯಲ್ಲಿ ಆಗುತ್ತಿರುವ ದುಷ್ಪರಿಣಾಮಗಳನ್ನು ಗಮನದಲ್ಲಟ್ಟುಕೊಂಡು ಈ ಕ್ಯಾಟ್‌ಫಿಶ್ ಮೀನುಗಳನ್ನು ನಿರ್ಮೂಲನೆಗೊಳಿಸುವ ಸಂಬಂಧ ಈ ಕೆಳಕಂಡಂತೆ ತಂಡವನ್ನು ರಚಿಸಿಕೊಂಡು ಕಾರ್ಯಾಚರಣೆ ಮಾಡಿ ಆಫ್ರಿಕನ್ ಕ್ಯಾಟ್‌ಫಿಶ್‌ನ್ನು ಈ ಜಿಲ್ಲೆಯಿಂದ ನಿರ್ಮೂಲನೆಗೊಳಿಸುವಂತೆ ಆದೇಶಿಸಿದೆ.

### ನಿರ್ಮೂಲನಾ ತಂಡ

1. ತಹಶೀಲ್ದಾರ್, ಬೆಂಗಳೂರು ಉತ್ತರ [ಅಪರ] ತಾಲ್ಲೂಕು. ಯಲಹಂಕ, ಬೆಂಗಳೂರು.
2. ಮೀನುಗಾರಿಕಾ ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, [ಶ್ರೇಣಿ-1], ಮೀನುಗಾರಿಕಾ ಇಲಾಖೆ, ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆ.
3. ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್, ಚಿಕ್ಕಜಾಲ ಹಾಗೂ ಬಾಗಲೂರು ಪೊಲೀಸ್ ಠಾಣೆ.
4. ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ [ಪಿ.ಡಿ.ಓ]

ಮೇಲ್ಕಂಡ ತಂಡವು ಪೂರ್ಣ ತಂಡದೊಂದಿಗೆ ಅಥವಾ ಭಾಗಶಃ ತಂಡದೊಂದಿಗೆ ಪೊಲೀಸ್ ಇಲಾಖೆಯ ಸಹಕಾರದೊಂದಿಗೆ ಕಾರ್ಯಾಚರಣೆ ನಡೆಸುವುದು.

1. ಆಫ್ರಿಕನ್ ಕ್ಯಾಟ್‌ಫಿಶ್ ಉತ್ಪಾದನೆ, ಪಾಲನೆ ಸಾಕಾಣಿಕೆ ಮತ್ತು ಮಾರಾಟವನ್ನು ಸಂಪೂರ್ಣವಾಗಿ ನಿರ್ಮೂಲನೆಗೊಳಿಸುವುದು.
2. ಆಫ್ರಿಕನ್ ಕ್ಯಾಟ್‌ಫಿಶ್‌ಗಳನ್ನು ವಶಪಡಿಸಿಕೊಂಡು ನಾಶಪಡಿಸುವುದು ಹಾಗೂ ಸಾಕಾಣಿಕೆಗಾಗಿ ಬಳಸಿಕೊಂಡ ವಾಹನವನ್ನು ಪ್ರಾದೇಶಿಕ ಸಾರಿಗೆ ಅಧಿಕಾರಿಗಳಿಗೆ ಹಸ್ತಾಂತರಿಸುವುದು.



3. ಸಾಕಾಣಿಕೆದಾರರು, ಸಾಗಾಣಿಕೆದಾರರು ಮತ್ತು ಮಾರಾಟಗಾರರ ಮೇಲೆ ಸಿ.ಆರ್.ಪಿ.ಸಿ. 133

ಗೌತ ಪೊಲೀಸ್ ಇಲಾಖೆಯವರು ದೋಷಾರೋಪಣೆ ಪಟ್ಟಿ ತಯಾರಿಸುವುದು.



ಸಹಿ/-

(ಎಂ.ಕೆ. ಅಯ್ಯಪ್ಪ)

ಜಿಲ್ಲಾಧಿಕಾರಿ ಹಾಗೂ ಜಿಲ್ಲಾ ದಂಡಾಧಿಕಾರಿ,  
ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ, ಬೆಂಗಳೂರು.

ಪತ್ರವನ್ನು:-

1. ತಹಶೀಲ್ದಾರ್, ಬೆಂಗಳೂರು ಉತ್ತರ [ಅಪರ] ತಾಲ್ಲೂಕು, ಯಲಹಂಕ, ಬೆಂಗಳೂರು ರವರಿಗೆ ಸೂಕ್ತ ಕ್ರಮಕ್ಕಾಗಿ.
2. ಪೊಲೀಸ್ ಉಪ ಆಯುಕ್ತರು, ಉತ್ತರ/ಪೂರ್ವ ವಲಯ, ಬೆಂಗಳೂರು ರವರಿಗೆ ಸೂಕ್ತ ಕ್ರಮಕ್ಕಾಗಿ.
3. ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಬೆಂಗಳೂರು ಉತ್ತರ ತಾಲ್ಲೂಕು, ಯಲಹಂಕ, ಬೆಂಗಳೂರು ರವರಿಗೆ ಸೂಕ್ತ ಕ್ರಮಕ್ಕಾಗಿ.
4. ಉಪ ನಿರ್ದೇಶಕರು, ಮೀನುಗಾರಿಕೆ ಇಲಾಖೆ, ಬೆಂಗಳೂರು ಉತ್ತರ ವಲಯ, ಬೆಂಗಳೂರು ರವರಿಗೆ ಸೂಕ್ತ ಕ್ರಮಕ್ಕಾಗಿ.
5. ಪ್ರಾದೇಶಿಕ ಸಾರಿಗೆ ಅಧಿಕಾರಿಗಳು, ಬೆಂಗಳೂರು ಉತ್ತರ ವಲಯ, ಯಶವಂತಪುರ, ಬೆಂಗಳೂರು ರವರಿಗೆ ತಿಳಿಸುವುದೆನೆಂದರೆ ಆಫೀಕನ್ ಕ್ಯಾಂಪ್‌ಗಳನ್ನು ಅಥವಾ ಅದರ ಮರಿಗಳನ್ನು ಈ ಜಿಲ್ಲಾ ವ್ಯಾಪ್ತಿಯ ಒಳಗಡೆ ಯಾವುದೇ ಸಾಗಾಣಿಕೆಯಾಗದಂತೆ ತಡೆಯುವಂತೆ ಕ್ರಮ ವಹಿಸುವುದು.
6. ವಾಣಿಜ್ಯ ತೆರಿಗೆ ಅಧಿಕಾರಿಗಳು, ಬೆಂಗಳೂರು ರವರಿಗೆ ತಿಳಿಸುವುದೆನೆಂದರೆ ಆಫೀಕನ್ ಕ್ಯಾಂಪ್‌ಗಳನ್ನು ಅಥವಾ ಅದರ ಮರಿಗಳನ್ನು ಈ ಜಿಲ್ಲಾ ವ್ಯಾಪ್ತಿಯ ಒಳಗಡೆ ಪ್ರವೇಶಿಸದಂತೆ ತಡೆಯುವಂತೆ ಕ್ರಮ ವಹಿಸುವುದು.
7. ಮೀನುಗಾರಿಕಾ ಸಹಾಯಕ ನಿರ್ದೇಶಕರು [ಶ್ರೇಣಿ-2], ಬೆಂಗಳೂರು ಉತ್ತರ ತಾಲ್ಲೂಕು, ಬೆಂಗಳೂರು ರವರಿಗೆ ಸೂಕ್ತ ಕ್ರಮಕ್ಕಾಗಿ.
8. ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ [ಪಿ.ಡಿ.ಓ.], ಚಿಕ್ಕಜಾಲ ಮತ್ತು ಬಾಲಗೂರು ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಬೆಂಗಳೂರು ಉತ್ತರ [ಅಪರ] ತಾಲ್ಲೂಕು, ಬೆಂಗಳೂರು.
9. ಕಛೇರಿ ಹೆಚ್ಚಿನ ಪ್ರತಿ.

ಜಿಲ್ಲಾಧಿಕಾರಿ ಹಾಗೂ ಜಿಲ್ಲಾ ದಂಡಾಧಿಕಾರಿ,  
ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ, ಬೆಂಗಳೂರು.

6/6/14

order - 3

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

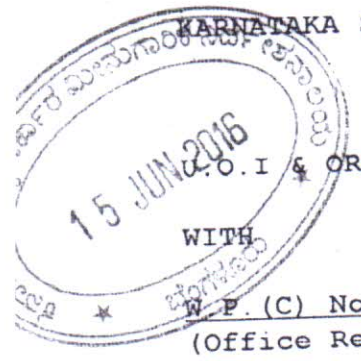
Petition(s) for Special Leave to Appeal (C) No(s). 34779/2013  
(Arising out of impugned final judgment and order dated 06/02/2013  
in WP No. 30011/2012 passed by the High Court Of Karnataka at  
Bangalore)

KARNATAKA STATE FORMERS MULTI FISHER & ORS.

Petitioner(s)

VERSUS

Respondent(s)



C.O.I & ORS.

WITH

W.P. (C) No. 836/2013  
(Office Report)

Date : 26/04/2016 These petitions were mentioned today.

RSH

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE R. BANUMATHI  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

14/6/16

G-37MS

For Petitioner(s)

Mr. Shekhar G. Devasa, Adv.  
Mr. Manish Tiwari, Adv.  
Mrs. Shiel Sethi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

The special petition as also writ petition were  
dismissed as withdrawn vide order dated 25.04.2016 passed  
by this Court.

It is, however, made clear that the petitioner shall be  
free to seek appropriate redress before the National Green  
Tribunal, New Delhi in accordance with law.

Signature invalid  
Digitally signed by  
Date: 2016.04.26 12:25:55  
Reason: The signature is invalid.

(Ashok Raj Singh)  
Court Master

(Veena Kherra)  
Court Master

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 34779/2013

(Arising out of impugned final judgment and order dated 06/02/2013 in WP No. 30011/2012 passed by the High Court Of Karnataka At Bangalore)

KARNATAKA STATE FORMERS MULTI FISHER&ORS

Petitioner(s)

VERSUS

U.O.I & ORS

Respondent(s)

WITH

W.P.(C) No. 836/2013

(With appln.(s) for withdrawal of writ petition and Office Report)

Date : 25/04/2016 These petitions were mentioned today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE R. BANUMATHI  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mrs Shiel Sethi, Adv.

For Respondent(s) Mr. T. R. B. Sivakumar, Adv.

Mr. V. N. Raghupathy, Adv.

UPON being mentioned the Court made the following  
O R D E R

Taken on Board.

Learned counsel for the petitioner seeks leave to withdraw these petitions. The special leave petition as also writ petition are dismissed as withdrawn.

Signature invalid

Digitally signed by  
SHASHI SAREEN  
Date: 2016.04.25  
Time: 17:10:10  
Reason: I am the author

(Shashi Sareen)

AR-cum-PS

(Veena Khara)  
Court Master