

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. .... OF 2011.

IN THE MATTER OF:

An application under Article 102 of the Constitution  
of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

Public Interest Litigation (PIL).

AND

IN THE MATTER OF:

1. Human Rights and Peace for Bangladesh (HRPB),  
represented by it's Secretary, Advocate Asaduzzaman  
Siddique, Hall No. 2, Supreme Court Bar Association  
Bhaban, Dhaka, Bangladesh.

.....Petitioner.

**-V E R S U S-**

1. Bangladesh represented by the Secretary, Ministry  
of Home Affairs, Bangladesh Secretariat , P.S.:  
Shahbag, District: Dhaka.

2. The Secretary, Ministry of Land, Bangladesh  
Secretariat , P.S.: Shahbag, District: Dhaka.

3. Deputy Inspector General of Police (DIG),  
Rajshahi Range, Post and District-Rajshahi Dhaka,  
Bangladesh.

4. The Deputy Commissioner, Pabna, Office of the  
Deputy commissioner, Post and District-Pabna.

5. The Superintendent of Police (SP), Pabna, Post and  
District- Pabna.

6. The Officer in Charge (O.C.), Pabna Sadar Police  
Station,- Pabna Sadar, District- Pabna.

.....Respondents.

**G R O U N D S**

I. For that Article 31 of the constitution of Bangladesh has provided a provision that 'to enjoy protection of law and to be treated in accordance with law and only in accordance with law' but in the case it has been violated by the law enforcing agencies.

II. For that the duty and responsibility vested upon the administration to protect the property. The respondents are also duty bound to obey the provision of law. It is the duty of an officer to perform the duties in accordance with law, but they have failed to perform the duties and responsibility as per the constitution. Hence a direction may be given to take appropriate steps as per law.

III. For that the duty and responsibility vested upon the administration to serve the people and they are duty bound to obey the provisions of law. It is the duty of an officer to act legally but no law has been allowed him to treat the citizen in an unlawful manner. But the respondent has failed to perform the duties and responsibility as per the constitution.

IV. For that as per Article 21 of the Constitution of Bangladesh the duty of every public servant is to perform public duties and to observe the constitution and the laws. Under Article 31 of the constitution of Bangladesh every one is to be treated

in accordance with law. According to the news report the provision of Article 21 and 31 of the Constitution of Bangladesh has been violated.

Wherefore, it is most humbly prayed that Your Lordships would graciously be pleased to;-

a) Issue a Rule Nisi calling upon the Respondents to show cause as to why the inaction of the respondents to take appropriate legal steps against the land grabbers of Shuchitra Sen's paternal house in Pabna Sadar, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to ensure protection of the house of famous actress in the sub-continent Shuchitra Sen and to perform their duties as vested upon them under the Constitution of Bangladesh.

b) Pending hearing of the Rule directs the Respondent 4-6 to take over the possession of the paternal house of renowned actress Shuchitra Sen situated in Pabna Sarad under Pabna District, within 7 (seven) days and maintain it to its original position and submit a compliance report before this court through affidavit within 10 (ten) days.

c) Pending hearing of the rule directs the respondents to take legal action against the alleged land grabbers as per the appropriate provision of law and filed a compliance report before this court within 7 days.

**Present Status:**

The case was filled and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble Court issued Rule Nisi upon the respondents and granted ad-interim order. The matter was heard with another petition filed by the lease holder. Rule was discharge in both writ petitions and directed the authority to protect the paternal house of Suchitra Sen.

-----