

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

WRIT PETITION ON 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 the Secretary of the Executive Committee Asaduzzaman Sddiqui , Advocate, Supreme Curt of Bangladesh, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

3. Advocate Md. Aklas Uddin Bhuiyan Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka and 3 Agamashi Lane, P.S.: Kotwali, Dhaka.

.....Petitioners.

-VERSUS-

1. Bangladesh represented by the Secretary, Ministry of Shipping, Bangladesh Secretariat, P.S -, Shahbag, Dhaka.

2. The Secretary, Ministry of Environment and Forrest Government of the People's Republic of Bangladesh, Bangladesh Secretariat, P.S -, Shahbag, Dhaka.

3. The Secretary, Ministry of Land Government of the People's Republic of Bangladesh, Bangladesh Secretariat, P.S -, Shahbag, Dhaka.

4. The Secretary, Ministry of Finance, Bangladesh Secretariat, P.S -, Shahbag, Dhaka. The Secretary, Ministry of Local Government and Rural Development, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, P.S -, Shahbag, Dhaka.

5. The Secretary, Ministry of Local Government and Rural Development, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, P.S -, Shahbag, Dhaka.

6. The Secretary, Ministry of Water Resources, Bangladesh Secretariat, P.S -, Shahbag, Dhaka.

7. The Director General, Land Records and Survey Directorates, Tejgaon, Dhaka, Bangladesh.
8. The Chairman, BIWTA, 141-143 Motijheel C/A, Dhaka.
9. The Director General, Department of Environment, Paribesh Bhaban, E-16, Sher-E Bangla Nagar, Agargaon, Dhaka.
10. The Deputy Commissioner, Narayangonj, Office of the Deputy Commissioner, Narayangong.
11. The Police Super, Narayangonj, Post and District- Narayangonj.
12. The officer in Charge, Sonargaon Police Station, P.S. Sonargaon, District- Narayangonj.
13. The Chairman, Meghna Group of Industries Dhaka , Bangladesh.

..... Respondents.

AND

IN THE MATTER OF:

For a direction to stop illegal encroachment, earth filling and temporary & permanent structures building on the River Meghna at Sonargoan, Narayangonj, violating the provisions of the Bangladesh Environment Conservation Act 1995 (amended in 2000 and 2002), and গন্ববিধা, স্বেচ্ছায় নির্মিত কাঠামো বা স্থাপত্যের বিরুদ্ধে আইনগত ব্যবস্থা গ্রহণের নির্দেশনা, ২০০০।

AND

IN THE MATTER OF:

For a direction to remove temporary & permanent structures built in the River Meghna at Sonargoan, Narayangonj violating the provision of law.

GROUND S :

I. For that disregard to laws and legal provisions and failure to ensure proper implementation of laws the respondents have caused enough damage to the environment and the city dwellers are adversely affecting to the right to life. Under these circumstances the respondents are legally bound to protect the river Meghna in accordance with law.

II. For that the duty and responsibility vested upon the respondents to serve the people and initiate lawful steps and they are also duty bound to obey the provisions of law. But the respondents have failed to perform the duties and responsibility as vested upon them and by way of violating the provision of law the earth filling up is continuing in rivers, which is illegal. Hence direction may be given upon the respondents to stop encroachment, earth filling and remove temporary & permanent structures building in the River River Meghna at Sonargoan, Narayangonj.

III. For that the environment is being continuously endangered and threatened by various illegal activities such as **encroachment, earth filling and temporary &**

permanent structures building in the River Meghna at Sonargoan, Narayangonj. The unauthorized activities are the main causes for environmental degradation. Taking advantage of the silence of the concern authority, the illegal activities is continuing and as a result the environmental is destroying.

IV. For that under Section 5 of the *Environment Conservation Act, 2000* also prohibits change of the nature of any land that has been earmarked as a natural reservoir. As per section 8 of the Act 2000 any person who acts in contravention of the Act is liable to imprisonment not exceeding 5 years or a fine not exceeding Taka 50,000 or both. In spite of violation of law the respondents are not taking appropriate action.

V. For that **encroachment, earth filling and temporary & permanent structures building in the** River Meghna at Sonargoan, Narayangonj is contrary to all applicable laws of the country. Moreover the filling up and encroachment in the river will create obstruction to the normal movement of the river.

VI. For that such disregard to laws and legal provisions and failure to ensure proper implementation of laws have caused enough damage to the environment of the area and adversely affecting the city dwellers and as such the respondents are required to be directed to protect the river in accordance with law.

VII. For that the non-implementation of the laws by the respondents undermine rule of law and jeopardize peoples fundamental right as guaranteed under Article 31 of the Constitution of Bangladesh.

Wherefore, it is most humbly prayed that your Lordships would graciously be pleased to issue:-

A) A Rule Nisi calling upon the Respondents to show cause as to why a direction should not be given upon the respondent to protect River Meghna from any encroachment, earth filling.

AND

Why a direction should not be given to remove all temporary & permanent structures illegally built in the River Meghna as it was constructed violating the provision of law.

B) Direct the respondent 10-12 to take immediate appropriate steps to stop further earth filling, encroachment by different means and to stop temporary & permanent structures building in the River Meghna, as it is illegal under the provisions of Bangladesh Environment Conservation Act and *Rajvami msi 11b AvBb*.

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 is pending before the Hon'ble High Court Division.
