

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 its Secretary Advocate Asaduzzaman Siddiqui, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioner.

-V E R S U S-

1. Bangladesh represented by The Secretary, Prime Minister's Secretariat, Tejgaon, P.S.: Tejgaon, District: Dhaka.

2. The Secretary, Ministry of Environment and Forest, Bangladesh Secretariat, P.S.: Ramna, District: Dhaka.

3. The Chief Conservator, Forest Directorate, Bonhaban, Agargaoan, Sher-E-Bangla Nagar, Dhaka, Bangladesh.

4. The Deputy Chief Conservator (Dev), Forest Directorate, Bonhaban, Agargaoan, Sher-E-Bangla Nagar, Dhaka, Bangladesh.

5. The Director General, Department of Environment, Agargaoan, Sher-E-Bangla Nagar, Dhaka, Bangladesh.

6. The Deputy Commissioner, Tangail, Post and District –Tangail.

7. The Police Super, Tangail, Post and District-Tangail.

8. The Assistant Forest Conservator, Shakhipu, P.S Shakhipur, District- Tangail

9. The Divisional Forrest Officer, Tangail, Post and District-Tangail

10. The Range Officer, Baheratoil, Shakhipur, Tangail, District- Tangail.

11. The Officer in charge (O.C.), Shakhipur Police Station, P.S. Shakhipur, District- Tangail.

....Respondents.

GROUNDS

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 country is adversely affecting. Under these circumstances the respondents are legally bound to protect the reserve forest area at Shakhipur at Tangail 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 saw mills are continuing in the forest, which is illegal. Hence a direction may be given upon the respondents to stop functioning saw mills within the territory of the forest area at Tangail.

III. For that the environment is being continuously endangered and threatened by various illegal activities such as cutting trees illegally in reserve forest area at Tangail. 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 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 environment and as such the respondents are required to be directed to protect the reserve forest at Shakhipur, Tangail, in accordance with law.

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 inaction of the respondents to protect the reserve forest of Shakhipur at Tangail, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to remove all kinds of saw mills which is situated inside the reserve forest area at Shakhipur, Tangail.

B) Pending hearing of the Rule directs the respondent No. 7, 9 and 10 to arrange continuous monitoring in the Shakhipur reserve forest so that no one can cut trees illegally inside the reserve forest.

C) Pending hearing of the rule directs the respondent no. 7 and 11 to take steps who are illegally cutting trees from the reserve forest at Shakhipur, Tangail, and file case against them in accordance with law.

D) Pending hearing of the Rule direct the respondent no. 6-7 and 11 to stop all functioning of

the illegal saw mills within the forest area of Shakhipur at Tangail as reported in the Daily Star dated 05.06.2011, and submit a compliance report before this court within 10 days.

Present Status

The case was filed 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.
