

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

WRIT PETITION ON OF 2012

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 represented by it's Secretary Advocate Asaduzzaman Siddique, Supreme Court Bar Association Building, Hall No. 2, P.S. Shahbag, Dhaka, Bangladesh

2. Advocate Aklas Uddin Bhuiyan Supreme Court Bar Association Building, Hall No. 2, P.S. Shahbag, Dhaka, Bangladesh.

.....Petitioners.

-V E R S U S-

1. Bangladesh represented by The Secretary, Ministry of Law, Justice and Parliamentary Affairs, Bangladesh Secretariat, Dhaka, Bangladesh.

2. The Secretary, Ministry of land, Bangladesh Secretariat, Dhaka, Bangladesh.

3. The Secretary, Ministry of Housing & Public Works, Bangladesh Secretariat, Ramna, Dhaka.

4. The Registrar, Supreme Court of Bangladesh, Supreme Court Building, P.S. Shahbag, Dhaka, Bangladesh

5. The Director, Directorate of Government Accommodation, Ministry of Housing & Public Works, Bangladesh Secretariat, Ramna, Dhaka.

..... Respondents.

AND

IN THE MATTER OF:

For a direction upon the respondents to hand over the property of 68 Circuit House situated within the Judges Complex, Park Avenue, Kakrail, Dhaka as it is the property of the Supreme Court of Bangladesh.

G R O U N D S -

I. For that the duty and responsibility vested upon the respondents to serve the people and initiate lawful steps and the respondents 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 also failed to take steps to protect the land of the Supreme Court of Bangladesh which is illegal. Hence a direction may be given upon the respondents to hand over the property of 68 Circuit House situated within the Judges Complex Park Avenue, Kakrail, Dhaka, to the Supreme Court of Bangladesh.

II. For that such failure to ensure proper steps of the respondents there is every possibility to lost the land of the Supreme Court of Bangladesh and as such the respondents are required to be directed to protect the property of 68 Circuit House of the Supreme Court of Bangladesh in accordance with law.

III. For that the property belongs to the Supreme Court but was not handed over to the Supreme Court of Bangladesh, so it is necessary to pass an order to hand over the property to the Supreme Court of Bangladesh. It is submitted that the Supreme Court of Bangladesh is the owner of the property but some of them illegally possessing by different people having illegal allotment, hence it is necessary to hand over the property of 68 Circuit House to the Supreme Court of Bangladesh, for end of Justice.

IV. For that the land and building belongs to Supreme Court of Bangladesh cannot be allotted to any other person. Though the respondents illegally allotted to a government official and living there on the basis of the allotment, hence it is necessary to pass an order to cancel the allotment.

V. For that the land and building belongs to the Supreme Court of Bangladesh, but the building is not within the control of the Supreme Court of Bangladesh, hence direction may be given to hand over the property of 68 Circuit House situated within the Judges Complex, Park Avenue, Kakrail, Dhaka as it is the property of the Supreme Court of Bangladesh.

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 a direction should not be given upon the respondents to hand over the property of 68 Circuit House, situated within the Judges Complex, Park Avenue, Kakrail, Dhaka, to the Supreme Court of Bangladesh.

AND

Why a direction should not be given upon the respondents to cancel all the allotment which was given in the property of 68 Circuit House, situated within the Judges Complex, Park Avenue, Kakrail, Dhaka.

b) Pending hearing of the rule directs the respondents not to give any further allotment to any government officer.

c) Pending hearing of the rule direct the respondents to stop all further steps in case of any allotment to any person given in the property of 68 Circuit House situated within the Judges Complex, Park Avenue, Kakrail, Dhaka.

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.
