

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

WRIT PETITION NO. 1940 OF 2013

IN THE MATTER OF:

An application for addition of party as petitioner no. 5.

AND

IN THE MATTER OF:

Md. Morsalin Khan and others.

.....Petitioners.

-V E R S U S-

1. Bangladesh and others.

.....Respondents.

AND

IN THE MATTER OF:

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

.....Applicant.

To,

Mr. Justice Surendra Kumar Sinha, the Hon'ble Chief Justice of Bangladesh and  
the companion Judges of the Hon'ble Supreme Court.

The humble Petition of the applicant above named most  
respectfully-

S H E W E T H:

1. That the instant writ petition was filed by the petitioners as a public  
interest litigation for a direction upon the respondents to protect the property of  
Sir Salimuallah Muslim Orphanage situated at Azimpur, Dhaka on the land  
obtained lease from the Government.

2. That on 11.03.2013 after hearing the parties the Hon'ble High Court  
Division was pleased to issue Rule Nisi calling upon the respondents to show  
cause as to why failure of the respondents to protect the property of Sir  
Salimuallah Muslim Orphanage and illegal transfer the land to a Developer  
Company (respondent no. 16) under the influence of the committee members,  
should not be declared illegal and without lawful authority and why a direction  
should not be given upon the respondents to protect and maintain the property  
of Salimuallah Muslim Orphanage in accordance with the purpose of the lease  
agreement signed with the then government (as of Annexure-A, A-1, A-2 and A-

3). and/or pass such other or further order or orders as their Lordships may deem fit and proper.

The Hon'ble Court also passed an ad interim order directing the parties to maintain statuesque and which was subsequently extended time to time.

3. That the matter was heard for several dates and mostly concluded the hearing but in the mean time the Division Bench was reconstituted, due to constitution of Court it was again came up for hearing on urgent basis. On the prayer of both side Your Lordship fixed the matter for hearing on 07.05.15 at 2pm. On that date petitioner no. 1-3 asked the learned lawyer to return the file with no objection certificate. Though it is a public interest litigation in which interest of all people is involved not only the petitioners but due to obligation of Bar Council Rules, the learned lawyer issued no objection certificate. In the prayer the petitioners mentioned that they are not willing to conduct the case by the learned lawyer but did not stated anything about reasons. Though the matter is involved about valuable land so there may be some pressure from the vested corner or any biasness and due to such steps of the petitioner no. 1-3 the purpose of the filling of the writ petition may be frustrated. It is stated here in such a public interest case especially in which the interest of the orphanage is involved, should not be ignored or avoid. Hence the applicant feel interest for the public cause and decided to uphold the interest of the orphanage by way of becoming a petitioner in the instant writ petition.

4. That it is stated here that the applicant organization Human Rights and Peace For Bangladesh (HRPB) is a registered organization under the NGO Bureau of the Government of Bangladesh and working to protect human rights of common people as well as strengthening public interest litigation for a couple of years since its birth through the in-and-out of the court procedures through represented by the Secretary of the organization Advocate Asaduzzaman Siddiqui as per the decision of the executive committee of HRPB. That in many cases filed by the applicant on behalf of HRPB, the Hon'ble High Court Division has passed judgment such as i) VAT collection from the patient declared illegal, ii) directed to constitute civil vacation court during civil vacation in every December in subordinate court, iii) directed not to set up any cattle hat on the street in Dhaka City during Eid-Ul-Azha and removing all slaughtering materials within 24 hours with a hygienic manner, iv) directed to form an inquiry commission about murder/rape/persecution/torture committed immediate after parliament election of 2001 upon the then opposition supporter and minorities, v) directed to set up food court in every city in order to prevent food adulteration, vi) directed to form an "Earthquake Preparedness And Awareness Committee" and collected the necessary earthquake rescue equipments as per their recommendation, vii) directed to protect river Buriganga, Balu, Turag and Shitallakha and to stop encroachment in the rivers as well as directed to remove all the structure from inside the rivers and etc, viii) legal action in case of fatwa upon woman, ix) Protection of Lalbagh Fort, x) Stop thermal power plant at Anwara, Chittagong x) Construction of road within Azimpur Graveyard by destroying graves, xi) Protection of archeological side at Mohastangor, Bogura, xii) Implementation of Warrant of Precedence xiii) Protection of the land of Sea beach of Kuakata, xiv) Protection of the land of Suchitra Sen at Pabna, xv) Torture upon a teacher at Ujirpur, xvi) Stop collection of user fees from the patient at hospital, xvii) Recovery of the land of supreme Court of Bangladesh etc. The applicant filed many others cases as public interest litigation on behalf of HRPB which are

pending before the Hon'ble High Court Division such as Protection of land of Begum Rokeya, River kopothakha save, Judicial power given to executive magistrate, Hill protection at Sylhet and Chittagong. Under these circumstances, the applicant who works for public cause and willing to be add as petitioner no. 5, hence it is necessary to implead/add the applicant as petitioner no. 5 in the instant case. The applicant is interested party in the subject matter of the petition but he is not a party. If the applicant is not given opportunity as being impleaded as petitioner no. 5 in that case the applicant will be deprived from protection of public cause.

5. That it is respectfully submitted that if the application for addition of party is allowed in the instant Writ petition, there will be proper representation about some facts and in consequence the interest of the orphanage will be secured. Hence it is for the ends of justice and complete adjudication of the matter that the present application for addition of party as petitioner no. 5 be allowed, so that he can bring to light the actual scenario in regard to the case.

6. That it is stated that here that the question involved in this writ petition is related with the public interest for which the applicant has enough expertise providing remedy to the public in general.

7. That it is submitted that if the applicant being impleaded/added as the petitioner no. 5, it would render the Hon'ble Court proper assistance for disposal of the Rule. That the applicant being impleaded/added the Hon'ble Court may get proper assistance for Rule hearing and coming to a conclusion of the subject matter.

Wherefore it is most humbly prayed that your Lordships would graciously be pleased to allow the application for addition of party as petitioner no. 5 in the instant Writ Petition and Pass such other and further order and/or orders as your Lordships may deem fit and proper.

And for this act of kindness Your applicant as in duty bound shall ever pray.

### **AFFIDAVIT**

I, Asaduzzaman Siddiqui, Son of Late Abdul Khaleque Siddiqui And Late Rijia Siddiqui, Advocate, Supreme Court of Bangladesh, Hall No. 2, Supreme Court Bar Association Building, Ramna, Dhaka, Bangladesh, aged about 53 years by faith Muslim, by profession lawyer by Nationality Bangladeshi by birth, ID No. 2695435951153 do hereby solemnly affirm and say as follows:-

1. That I am the applicant in this Case. I am acquainted with the facts and circumstances of this application and competent to swear this affidavit.

2. That the statement made herein above in this application are true to the best of my knowledge and belief.

Prepared in my office.

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Manzill Murshid  
gbwRj †gvi‡m`  
Advocate  
Members Serial No. 1059  
Hall No. 2, SCBA Bhaban

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(DEPONENT)  
THE DEPONENT IS KNOWN  
TO ME  
AND IDENTIFIED BY ME

Ph 01711404506

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Manzill Murshid  
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 Advocate

SOLEMNLY AFFIRMED BEFORE  
 ME THIS THE .....DAY OF  
 .....:2015 AT..... AM/PM

COMMISSIONER OF AFFIDAVITS  
 SUPREME COURT OF BANGLADESH  
 HIGH COURT DIVISION, DHAKA.

**Present Status**

The case was filed and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble Court allowed the application for added party. After hearing the parties judgment was passed and rule was discharged.

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