

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. Professor Muntasir Mamun of House No. ,Dhanmondi Residential Area, Dhaka, Bangladesh.

.....Petitioner.

-VERSUS-

1. The Secretary, Ministry of Cultural Affairs, Bangladesh Secretariat, P.S- Shahbag, Dhaka.

2. The Vice Chancellor, Dhaka University, Post- Raman, Dhaka, Bangladesh

3. The Administrator, Dhaka City Corporation (South), City Corporation Bhaban, P.S- Ramna, Dhaka.

4. The Chief Engineer, Public Works Department (PWD), Shegunbagicha, Dhaka, Bangladesh.

5. The Chief Architect, Department of Architecture, Shegunbagicha, Dhaka, Bangladesh.

6. The Executive Engineer, Civil Division, Public Works Department (PWD), Shegunbagicha, Dhaka, Bangladesh.

7. The Deputy Commissioner, Dhaka, Post and district- Dhaka.

8. The officer in Charge, Shahbag, Dhaka Metropolitan Police, Shahbag, Dhaka, Bangladesh.

..... Respondents

AND

IN THE MATTER OF:

For a direction upon the respondents to protect the land of the Central Shahidminar at Dhaka and remove/demolish all structure situated within the land of Central Shahidminar excluding an old graveyard.

G R O U N D S :

I. For that disregard to provision of law and failure to ensure proper implementation of laws, caused enough damage to the land of the Central Shahid Minar. Under these circumstances the respondents are legally bound to protect the land of the historical place such as the place in where the heroes of language movement devoted their lives.

II. 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 protect the above mentioned historical place, which is illegal. Under these circumstances the respondents are liable to take immediate steps to protect the land of the central shahid.

III. For that such disregard to laws and legal provisions and failure to ensure proper implementation of laws have caused enough damage to the land of the Shahidminar and as such the respondents are required to be directed to protect the above land of the historical places in accordance with law.

IV. For that as per Article 24 of the Constitution of Bangladesh the respondents are duty bound to adopt measures for the protection of historic importance place or interest. Central Shahid Minar at Dhaka was established in a place where many Bengalis devoted their lives in order to protect mother language of Bengalis. It is a historical place. Hence a direction should be given to protect the land of the Shahidminar.

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 protect the land of the Central Shahidminar at Dhaka.
- b) Pending hearing of the rule direct the respondent no. 3-8 to remove/demolish all structure situated within the land of Central Shahidminar excluding an old graveyard within 48 hours and filed a compliance report before this court within seven days.
- c) Pending hearing of the rule direct the respondent 4-7 to submit the document about the land owned by the central shahidminar.
- d) Upon hearing the cause if any shown makes the rule absolute.
- e) Pass such other or further order or orders as your Lordships may deem fit and proper.

Present Status:

The case was filled and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble High Court Division issued Rule Nisi upon the respondents. After hearing the parties the Hon'ble Court passed judgment and made the rule absolute.
