

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

WRIT PETITION ON ..... OF 2010

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.
2. Advocate Aklasuddin Bhuiyan, Son of Abdul Khalek Bhuiyan of 33 Abdul Hadi Lane, P.S. Bangshal, Dhaka.

.....Petitioners.

**-VERSUS-**

1. Bangladesh represented by the Secretary, Ministry of Shipping, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.
2. The Chairman, BIWTA, 141-143 Motijheel C/A, P.S. Motijheel, Dhaka, Bangladesh.
3. The Director General, Department of Environment, Paribesh Bhaban, E-16, Sher-E Bangla Nagar, Agargaon, Dhaka.
4. The Director (Port and Traffic), BIWTA, 141-143 Motijheel C/A, P.S. Motijheel, Dhaka, Bangladesh.
5. The Director (Planning), Headquarter, BIWTA, 141-143 Motijheel C/A, P.S. Motijheel, Dhaka, Bangladesh.
6. The Chief Engineer, BIWTA, 141-143 Motijheel C/A, P.S. Motijheel, Dhaka, Bangladesh.
7. The Executive Engineer, Dhaka Division, BIWTA, Dhaka, and Project Director, 141-143 Motijheel C/A, P.S. Motijheel, Dhaka, Bangladesh.
8. The Senior Deputy Director( P & T), Dhaka River Port, Terminal Bhaban, Sadarghat, Dhaka.
9. Harb Trade International, Apt 10-20, Prio Prangon Tower, 19 Kemal Attaturk Avenue, Bannai C/A, Dhaka, Bangladesh.
10. The Deputy Commissioner, Dhaka, Office of the Deputy Commissioner, Collectorate Building Johnson Road, Dhaka.

11. The Police Commissioner, Dhaka, Dhaka Metropolitan Police, Dhaka, Bangladesh.

..... Respondents

### **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 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 is continuing in river Buriganga, which is illegal. Hence direction may be given upon the respondents to stop earth filling in the River Buriganga at Shoshan Ghat, Postgola, P.S. Shampur, Dhaka and to cancel the project in the Buriganga river.

II. 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 Buriganga in accordance with law.

III. For that under Section 5 of the *Environment Conservation Act, 1996* the respondents have violated the provisions of law and Judgment passed on 25.06.2009 by the Hon'ble High Court Division in Writ Petition No. 3503 of 2009, 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 that provision of law and violating the directions of the Judgment the respondents are going to execute a project illegally in the river Buriganga at Shoshanghat, Postgola, P.S. Shampur, Dhaka. Hence direction should be given to stop earth filling at Shoshanghat, Postgola, P.S. Shampur in river Buriganga and to cancel the project in the river.

IV. For that the non-implementation of the laws the respondents undermined the rule of law and frustrated the Judgment and directions given by the High Court Division in Writ Petition no. 3503 of 2009.

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 respondent to stop earth filling in river Buriganga at Shoshanghat, Postgola, P.S.-Shampur, Dhaka, as it is violative of the provisions of law and Judgment passed on 25.06.2009 by the Hon'ble High Court Division in Writ Petition No. 3503 of 2009.

#### **AND**

Why a direction should not be given to cancel the project of "Construction of Port Facilities in order to prevent unauthorized encroachment of the Buriganga river and its foreshore land" is going to be implemented at Shoshanghat, Postgola, P.S. Shampur, Dhaka, as it is violative of judgment dated 25.06.2009 passed in Writ petition No. 3503 of 2009.

B) Direct the respondents to maintain statuesque in respect of earth filling and implementation of the

project at Shoshanghat, Postgola, P.S. Shampur,  
Dhaka, till disposal of the rule.

**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.

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