

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

WRIT PETITION NO. 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 (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.
3. Advocate Mahbubul Islam, Son of Md. Mofijuddin, Secretary General, Society of Justice, of Hs LA-56, Badda, Post Office Road, Gulshan, Dhaka 1212, Bangladesh.

.....Petitioners.

-V E R S U S-

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 Deputy Commissioner, Dhaka, Office of the Deputy Commissioner, Collectorate Building, Johnson Road, Dhaka.
5. The Deputy Commissioner, Narayangonj, Office of the Deputy Commissioner, Collectorate BuildingNarayangonj.
6. The Director (Port and Traffic), BIWTA, 141-143 Motijheel C/A, P.S. Motijheel, Dhaka, Bangladesh.

7. The Director (Planning), Headquarter, BIWTA, 141-143 Motijheel C/A, P.S. Motijheel, Dhaka, Bangladesh.
8. The Chief Engineer, BIWTA, 141-143 Motijheel C/A, P.S. Motijheel, Dhaka, Bangladesh.
9. The Senior Deputy Director(P & T), Dhaka River Port, Terminal Bhaban, Sadarghat, Dhaka.
10. The Deputy Director, BIWTA Narayangonj Office, P.S.- Narayangonj Sadar, District-Narayangonj.
11. The Police Super(S.P.) Narayangonj P.S.-Narayangonj Sadar , District- Narayangonj
12. The Deputy Commissioner of Police, Mirpur Area, Dhaka Metropolitan Police, Mirpur-2, Dhaka, Bangladesh.
13. The Officer in Charge, Mirpur Thana, Dhaka Metropolitan Police, P.S.-Mirpur, Dhaka, Bangladesh.
14. The Officer in Charge, Narayangonj Sadra Thana, Dhaka Metropolitan Police, P.S.-Mirpur, Dhaka, Bangladesh.

.....Respondents.

AND
IN THE MATTER OF:

For a direction upon the respondent to take necessary steps to stop earth filling/encroachment within the river Shitalakkha and Turag as reported in Prothom Alo on 02.11.212, 31.08.12 and 04.07.12 and to implement the direction given in the Judgment passed in 3503 of 2009 and to take appropriate legal action against the persons who are liable for the illegal acts.

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 Shitalakkha and Turag, which is illegal. Hence direction may be given upon the respondents to stop earth filling/encroachment within the River Shitalakkha and Turag, Dhaka.

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 Shitalakkha and Turag in accordance with law.

III. 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 respondents to stop all kinds of sand trade at Katchpur Bridge area, Narayangonj, by way of occupying the territory of river Shitallakha and at Shinnirtek, Mirpur Thana, by way of occupying the territory of river Turag

AND

Why a direction should not be given upon the respondents to protect the river shore of Shitallakha and Turag from any land grabbers and restrain them from any sand business within the river territory.

b) Pending hearing of the rule direct the respondents 6-10 to remove all sand traders who has occupied the river territory/shore by way of earth/sand filling within Shitallakha River at Katchpur Bridge area, Narayangonj and in Turag River at Shinnirtek, Mirpur area, Dhaka, as reported in Prothom Alo dated 02.11.12, 31.08.12 and 04.07.12, within 3 days and also remove all sands from the river shore within 15 days and submit a compliance report with 4 weeks before this court.

d) Pending hearing of the rule direct the respondent no. 11-14 to participate in the above mentioned remove/ eviction processes in their respective area through deploying adequate force.

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.
