

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

WRIT PETITION ON ..... OF 2014.

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 it's Secretary, Advocate Asaduzzaman Siddique, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

2. Advocate Md. Aklas Uddin Bhuiyan, Supreme Curt of Bangladesh, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka and 93 Indira Road, P.S.: Sher-E-Bangla Nagar, Dhaka

.....Petitioners.

**-VERSUS-**

1. Bangladesh represented by the Secretary, Ministry of Local Government, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.

2. The Secretary, Ministry of Environment and Forrest, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.

3. The Director General, Department of Environment, Paribesh Bhaban, E-16, Sher-E Bangla Nagar, Agargaon, Dhaka.

4. The Chairman, BIWTA, Head Office, 141-143, Motijheel Commercial Area, Post Box 76, Dhaka-1000, Bangladesh.

5. The Director(enforcement) Department of Environment, Paribesh Bhaban, E-16, Sher-E, Bangla Nagar, Agargaon, Dhaka.

6. The Deputy Commissioner, Manikgonj, Post and District- Manikgonj
7. The Police Supar, Manikgonj, Post and P.S.- Manikgonj, Dstrict- Manikgonj, Bangladesh.
8. The Additional Deputy Commissioner(Land) Manikgonj, Post and District-Manikgonj, District-Manikgonj.
9. The Secretary, Manikgonj District Council Post and P.S.Manikgonj, District-Dhaka.
10. Upazila Nirbahi Officer (Ghior) Post and P.S. Ghior, District-Manikgonj.
11. Officer in Charge , Ghior Thana, Post and P.S. Ghior, District-Manikgonj.
12. The General Manager, Akij Particle Board Mills Ltd. Post –Tora, Post and P.S. Ghior, District-Manikgonj.

..... Respondents.

AND

IN THE MATTER OF:

The Bangladesh Environment Conservation Act 1995 (amended in 2000 and 2002), and gnvbMix, wefvMxq kni I †Rjv kn‡ii †cŠi GjvKvmn †`‡ki mKj †cŠi GjvKvi †Ljvi gvV Db¥y³ `vb, D`vb Ges cÖvK...wZK Rjvavi msi¶b AvBb, 2000.

AND

IN THE MATTER OF:

For a direction to stop earth filling/construction/encroachment within the area of River Kaligonga at Mouja Tora and Gilonda, near Tora Bridge, Ghior, Manikgonj violating the provisions of law and directed the authority to protect the same river to its original territory as per C.S/R.S. records.

## **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/encroaching is continuing within the River Kaligonga at Mouja Tora and Gilonda, near Tora Bridge, Ghior, Manikgonj, which is illegal. Hence, direction may be given upon the respondents to stop encroachment and earth filling and to protect River Kaligonga at Mouja Tora and Gilonda, near Tora Bridge, Ghior, Manikgonj, to its original territory as per C.S/R.S record.

- 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 local people are being adversely affected in context of right to life. Under these circumstances the respondents are legally bound to protect the River Kaligonga at Mouja Tora and Gilonda, near Tora Bridge, Ghior, Manikgonj, situated within Jessore district, in accordance with law.
- III. For that under Section 5 of the gnvbMix, wefvMxq kni I †Rjv kn‡ii †cŠi GjvKvmn †`‡ki mKj †cŠi GjvKvi †Ljvi gvV Db‡y<sup>3</sup> †`vb, D`vb Ges cÖvK...wZK Rjvavi msi¶b AvBb, 2000, 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 the respondents are not taking any steps in case of encroachment/earth filling River Kaligonga at Mouja Tora and Gilonda, near Tora Bridge, Ghior, Manikgonj. Hence a direction may be given to stop earth filling/encroachment/construction of the River Kaligonga at Mouja Tora and Gilonda, near Tora Bridge, Ghior, Manikgonj. and to protect the same to its original territory as per C.S/R.S record.

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 River Kaligonga at Mouja Tora and Gilonda, near Tora Bridge, Ghior, Manikgonj to its original territory as per C.S/R.S record and why a direction should not be given upon the respondents to stop construction/encroachment/earth filling within the area of the said river and why a direction should not be given upon the

respondents to evict/demolish earth filling, encroachment and construction within the land of River Kaligonga at Mouja Tora and Gilonda, near Tora Bridge, Ghior, Manikgonj.

b) Pending hearing of the rule direct the respondent no. 6-11 to take immediate steps within 48 hours to stop encroachment/earth filling/construction within the area of Kaligonga river at Mouja Tora and Gilonda, near Tora Bridge, Ghior, Manikgonj and file a compliance report within 4 weeks through affidavit before the court.

c) Pending hearing of the rule directs the respondent no. 12 to maintain statuesque in respect of construction/encroachment/earth filling of Kaligonga at Mouja Tora and Gilonda, near Tora Bridge, Ghior, Manikgonj.

d) direct the office to serve the notices upon the respondents at the cost of office.

d) Upon hearing the parties and cause shown, if any make 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 filed 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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