

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

WRIT PETITION NO. 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 Siddiqui, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

2. Advocate Shohidul Isalm, President, Human Rights and Peace For Bangladesh, Sirajgonj Branch, Room No. 8, 3rd Floor, District Bar Association Bhaban, Shirajgonj, District- Shirajgonj,

.....Petitioners.

-V E R S U S-

1. Bangladesh represented by the Secretary, Ministry of Law, Justice and Parliamentary Affairs, Bangladesh Secretariat, P.S - Shahbag, Dhaka.

2. The Secretary, Ministry of Land, Bangladesh Secretariat, P.S - Shahbag, Dhaka.

3. The Inspector General of Registration, Registration Directorate, 14, Abdul Goni Road, Dhaka-1000, Bangladesh.

4. The Deputy Commissioner, Sirajgonj, Office of the Deputy Commissioner, Sirajgonj, P.O. & P.S.: Sirajgonj, Dist: Sirajgonj.

5. The District Registrar, Sirajgonj, Office of the District Registrar, Sirajgonj, P.O. & P.S.: Sirajgonj, Dist: Sirajgonj.

6. The District Registrar, Pabna, Office of the District Registrar, Pabna, P.O. & P.S.: Pabna, Dist: Pabna.

7. The Sub-Registrar, Sirajgonj Sadar, Office of the Sub-Registrar, Sirajgonj Sadar, P.O. & P.S.: Sirajgonj, Dist: Sirajgonj.

.....Respondents.

AND

IN THE MATTER OF:

Directions upon the Respondents to take appropriate steps for shifting Deeds/ Documents/Records and Balam/Volume Books prior to 1970 from the District Registrar Office, Pabna to the District Registrar Office, Sirajgonj.

GROUND S:

I. For that as per the provisions of the Registration Act 1908, every Sub-Registrar of each District Sadar is under obligation to give certified copy of Deeds/documents of his/her District. But in case of Sirajgonj District, the provisions of law are not followed by the respondents in respect of the Deeds/documents/records which are dated back prior to 1970 because they are kept in Pabna District Registry. Hence, direction may be given upon the respondents to shift the said Deeds/documents/records from Pabna District Registrar Office to Sirajgonj District Registry Office.

II. For that as per the provisions of the Constitution, every citizen will get equal protection of law and they will not be discriminated in any way. But the common people of Sirajgonj do not enjoy their rights equally. They have to go to Pabna District Registry Office for collection of certified copies or for any search of any documents/deeds which date back the year of 1970 and they have to spend a lot in that behalf. Hence they are discriminated, which is illegal. So, direction may be given upon the respondents to shift the said Deeds/documents/records from Pabna District Registrar Office to Sirajgonj District Registry Office.

III. For that the unavailability of the Deeds/documents/records and the Balam/Volume Books in Sirajgonj, which are dated back the year of 1970 and kept laying in Pabna, ultimately, causes delay and make complicity in disposal of civil suits in Sirajgonj, which frustrates the administration of justice in grass root. Those documents/records are

also being destroyed due to negligence of the respondents and that of their indifference as well.

IV. For that of late new buildings for the Sirajgonj District Registry Office and the Sirajgonj Sub-Registry Office has been built making huge accommodation in Sirajgonj District Registry Office and the Sirajgonj Sub-Registry Office for keeping the files/Deeds/documents and Balam/Volume Books. Hence, the respondents are under obligation to bring them back in Sirajgonj for protection of the interest and benefits of the common people of Sirajgonj as well as to perform their duties in line with the provisions of law. Hence, direction may be given to shift the said Deeds/documents/records from Pabna District Registrar Office to Sirajgonj District Registry Office.

V. For that the duty and responsibility vested upon the respondents is to serve the people as per the provisions of law. But the respondents have failed to perform the duties and responsibility as well as failed to protect the rights of the common people, which is illegal. Hence, direction may be passed for shifting the said govt. records and deeds/documents from Pabna to Sirajgonj.

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 the failure/inaction of the respondents to take appropriate steps for shifting Deeds Documents / Records and Balam/Volume Books prior to 1970 from the District Registrar Office, Pabna to the District Registrar Office, Sirajgonj, should not be declared illegal and without lawful authority.
- d) 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. The matter is pending before the Hon'ble High Court Division.
