

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

WRIT PETITION NO. OF 2005.

IN THE MATTER OF:

An application under Article 102 of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

Enforcement of Fundamental Rights under articles 27 and 31 of the Constitution.

AND

IN THE MATTER OF:

Public Interest Litigation (PIL).

AND

IN THE MATTER OF:

For a direction upon the respondents to constitute Vacation Court for civil cases during civil court vacation of the subordinate courts in every December.

AND

IN THE MATTER OF:

1. Human Rights and Peace For Bangladesh (HRPB) Represented by it's President of the Executive Committee, Manzill Murshid, 36, B-1, Mirpur Road, Boshundhora Goli, P.S Dhanmondi, Dhaka-1205.
2. Advocate Asaduzzaman Siddique 169/2 Malibagh Bazar Road, Dhaka-1217, Bangladesh.
3. Advocate Md. Aklas Uddin Bhuiyan of 3 Agamashi Lane, P.S-Kotwali, District-Dhaka.

4. Advocate A.H.M. Lutful Kabir, of 36 Mirpur Road, Flat C-3, Boshundhora Goli, P.S. Dhanmondi, Dhaka.

5. Advocate Shah Md. Farid, of 43/2 Sukrabad Bazar, P.S-Mohammadpur, Dhaka.

6. Advocate Sarwar Ahad Chowdhury of 3/14 Bashbari Bosila Road, Mohammadpur, P.S-Mohammadpur, Dhaka.

All of them are members of the executive committee of Human Rights And Peace For Bangladesh.

7. M.A. Taher, Son of M.M. Mannan of 54 Begun Bari, East Panthapath, Police Station-Tejgaon, District- Dhaka.

.....Petitioners.

-VERSUS-

1. Bangladesh represented by the Secretary, Ministry of Law Justice and Parliamentary Affairs, Bangladesh Secretariat, Ramna, Dhaka, Bangladesh.

2. The Registrar, Supreme Court of Bangladesh, Bangladesh Supreme Court, Ramna, Dhaka, Bangladesh.

.....Respondents.

GROUND S

i. For that the petitioners right to get justice has been seriously violated by the inaction of the Respondents. Hence a direction may be given to constitute Vacation Court for civil cases during civil court vacation of the subordinate courts in every December.

ii. For that the petitioners have on other efficacious remedy available to them except by way of this application before your Lordships to get the vacation court for civil cases of the subordinate courts otherwise it may cause serious injury to the petitioners fundamental right to be treated in accordance with law.

iii. For that due to such inaction the respondents, the petitioner's legal rights and also fundamental rights guranted by Aritcles 27 and 31 of the Constitution have been violated.

iv. For that the Respondents did not apply their mind regarding the serious effect upon the citizens. Without constituting the Vacation

Court for civil case of the subordinate courts in the Month of December, they have obstructed the citizens to get justice from the civil court. So such kinds of action is illegal without lawful authority.

v. For that in view of the facts and circumstances stated above the respondents without taking any steps to constitute a vacation court for civil cases of the subordinate courts neglected the demands of the citizen which is violative of the provisions of Article 27 and 31 of the Constitution of the Peoples Republic of Bangladesh, hence a direction should be issued upon the respondents.

vi. For that the Respondents constitute only Vacation Court for Criminal cases in the yearly civil vacation of the subordinate courts in December but no steps has been taken to constitute vacation court for civil cases, Since long many citizens are facing problem due to the absence of civil vacation court and as such a direction should be given upon the respondents.

vii. For that due to such illegal and negligent acts of the respondents, the petitioners legal rights and also fundamental rights guranted by Articles 27 and 31 of the Constitution have been violated. Hence direction may be given to constitute Vacation Court for civil cases during vacation of the subordinate courts in every December.

Wherefore, it is most humbly prayed that your Lordships would graciously be pleased to issue:-

a) A Rule Nisi calling upon the Respondents to show cause as to why a direction should not be given upon the Respondents to constitute Vacation Court for civil cases during civil court in every December and Pass such other or further order or orders as your Lordships may deem fit and proper.

b) Pending hearing of the Rule give an interim direction to the Respondents to constitute a vacation court of civil cases during the forthcoming vacation of the subordinate courts in the month of December.

c) After hearing the cause and/or causes as may be shown make the Rule absolute.

Present Status

The case was filled and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble Court passed judgment in making the rule absolute. Directions of the judgment was implemented

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