

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

WRIT PETITION NO. OF 2015.

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
Asaduzzaman Siddiqui, Hall No. 2, Supreme
Court Bar Association Bhaban, Dhaka,
Bangladesh.

.....Petitioner.

-V E R S U S-

1. Bangladesh represented by the Secretary,
Ministry of Cultural Affairs, Bangladesh
Secretariat, P.S. Shahbag, Dhaka,
Bangladesh.

2. The Director General (Joint Secretary),
Archeological Directorate, F-4A, Agargaon,
Sher-E-bangla Nagar, Dhaka-1207,
Bangladesh.

3. The regional Director(Dhaka Division),
Archeological Directorate, 13A/4A, Block-
B, Babar Road, Mohammadpue, Dhaka ,
Bangladesh

4. The Curator, Lalbagh Fort, Post and P.S.-
Lalbagh, Dhaka, Bangladesh.

5. The Officer in Charge (O.C.), Lalbagh
Thana, P.S.- Lalbagh, District-Dhaka,
Bangladesh.

.....Respondents.

GROUNDS

I. For that the duty and responsibility vested upon the administration to perform the duties for the people. The respondents are also duty bound to obey the provision of law. It is the duty of an officer to perform the duties in accordance with law, but they have failed to perform the duties and responsibility as vested upon them under section 12 of The Antiquities Act 1968. Hence respondents may be directed to take necessary and immediate steps to stop the illegal damage/destroy of which is rendering the beauty of the monument Lalbagh Fort and hampering its preservation which is certainly without any lawful authority and illegal.

II. For that the Lalbagh Fort is having a historical importance; it must be preserved by the Government as per the provisions of Article 24 of the Constitution of Bangladesh. So at this stage there is no alternative to stop the illegal damage/destroy the wall of the Lalbagh Fort.

III. For that disregard to laws and legal provisions and failure to ensure proper steps the respondents have caused enough threat to the Lalbagh Fort's very existence. Under these circumstances the respondents are legally bound to take all necessary steps to take necessary steps to protect the same. Hence a direction may be given upon the Respondents to stop change the nature of the wall of the Lalbagh Fort.

IV. For that without any precautions to save the historical place, the respondents has sent the Lalbagh Fort in a dangerous situation, which is violation section 12 of The Antiquities Act 1968. Moreover it is the duty of the government to impose restriction as per section 12 of The Antiquities Act 1968 in case of any constructions but violating the provisions the law construction is continuing, which is illegal.

V. For that section 12 (c) of the Antiquities Act 1968 imposes a duty upon the Government to restrict any sort of construction activity near the listed antiquities by anyone. It is the duty of the Government to organize protection and preservation of the antiquities. But in the case of Lalbagh Fort, the Government has failed to perform his duties; hence the respondents may be directed to take appropriate steps to stop the illegal and unlawful damage/ destroy activities within the Lalbagh Fort.

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 implement the provisions of section 12 of Antiquities Act. 1968 and Article 24 of the Constitution of Bangladesh, in case of any construction work of the area the Lalbagh Fort and

Why a direction should not be given upon the respondents to restore the boundary wall of the Lalbagh Fort which has been destroyed (as reported in Daily Star and Kalerkontho) to it's original and earlier position.

b) Pending hearing of the Rule directs the Respondent No. 2-5 to take immediate steps to stop ongoing construction activities adjacent to boundary of the Lalbagh Fort with 24 hours and submit compliance report within 1(one) week before this court.

c) Direct the office to serve notices upon the respondents at the cost of office.

d) Upon hearing the cause if any shown makes 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 passed ad interim order. The matter is pending before the Hon'ble High Court Division.
