

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

WRIT PETITION NO. OF 2010.

IN THE MATTER OF:

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

AND

IN THE MATTER OF:

Public Interest Litigation (PIL).

AND

IN THE MATTER OF:

To ensure safety of the residents of the
Dhaka City and to take steps to
demolish/remove all illegal billboards

(hoarding) to save the life of the city dwellers from security risk.

AND

IN THE MATTER OF:

1. Human Rights and Peace for Bangladesh (HRPB), represented by its Secretary, Advocate Asaduzzaman Siddique, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

2. Advocate Sarwar Ahad Chowdhury, Organizing Secretary, Human Rights and Peace for Bangladesh (HRPB) of 3/14 Bashbari Bosila Road, Mohammadpur, P.S.: Mohammadpur, Dhaka.

3. Advocate Md. Aklas Uddin Bhuiyan,
Publicity Secretary, Human Rights and Peace
for Bangladesh (HRPB) of 33 Abdul Hadi
Lane, P.S.: Bangshal, District-Dhaka.

.....Petitioners.

-V E R S U S-

1. Bangladesh, Represented by the
Secretary, Ministry of Home Affairs,
Secretariat, Police Station- Shahabag, District-
Dhaka.

2. The Inspector General of Police, Police
Head Quarter, Raman, Dhaka, Bangladesh.

3. The Police Commissioner, Dhaka
Metropolitan Police, Police Commissioner

Office, Eskaton Road, Raman, Dhaka,
Bangladesh.

4. The Mayor, Dhaka City Corporation,
City Corporation Bhaban, Ramna, Dhaka,
Bangladesh.

5. The Officer in Charge, Shabag Police
Station, Shahbag, Dhaka, Bangladesh.

.....Respondents.

To

Mr. Justice Mohammad Fazlul Karim, The Hon'ble Chief Justice
Bangladesh and his companion Judges of the said Hon'ble Court.

The humble Petition of the Petitioners above named most respectfully;-

S H E W E T H:

1. That the organization Human Rights And Peace For Bangladesh (HRPB) is a non profitable registered organization and the objects of the organization are to uphold the human rights of the citizen and to work for the poor people, to give legal support to the helpless people, and to build up awareness amongst the people about their rights etc. That the organization is engaged in promoting and defending human rights, supporting the victims of human rights violations. It also works to protect environment and to protect health of the citizen.

2. That the petitioners are members of the organization HRPB and practicing lawyer of this Hon'ble Court and conscious citizen of the country. They are seeking directions to demolish/remove all illegal bill boards (hoarding) from Dhaka City in order to protect the life of the

citizen from security risk. The petitioners also seek to bring this application by invoking Article 102 of the Constitution as a public interest litigation in order to take necessary steps to remove/demolish all illegal Billboards and for a direction to form an expert committee to examine whether approved Billboards have been set up properly in Dhaka City.

3. That the Respondent No. 1 is the Bangladesh, Represented by the Secretary, Ministry of Home Affairs, Secretariat, Police Station-Shahabag, District-Dhaka. Respondent no. 2 is the Inspector General of Police, Police Head Quarter, Raman, Dhaka, Bangladesh. Respondent no. 3 is The Police Commissioner, Dhaka Metropolitan Police, Police Commissioner Office, Eskaton Road, Raman, Dhaka, Bangladesh. Respondent no. 4 is The Mayor, Dhaka City Corporation, City Corporation Bhaban, Ramna, Dhaka, Bangladesh. Respondent no. 5 is The Officer in Charge, Shabag Police Station, Shahbag, Dhaka,

Bangladesh. That the addresses of the petitioners and the respondents given above are correct for the purpose of service of notices.

4. That it is stated here that the matter is involved about the interest of the life of the people which is related to right to life of the citizen. The effected people unable to come to enforce their fundamental rights, hence the petitioners move this Public Interest Litigation (PIL) before this Hon'ble Court. As it involves great public importance so this petition may be treated as public interest litigation.

5. That it is stated here that as per the report published in the different newspaper, the petitioners was noticed that on 15th March 2 persons were died in Gulshan and 4 others were injured due to collapsed of billboard which was poorly mounted. During that time some cars were broken which were passing through at that time. More over the street in front of the market was closed off to traffic. It was stated that earlier

similar kinds of death was occurred in several times due to collapse of billboard. It was also reported that in Dhaka City hundred of illegal billboards have been set up improperly and caused serious threat to the life of the city dwellers during their movement on the street. It was also reported that the Dhaka City Corporation only gave permission to set up about 300 hundred billboards but on the roof of the many high rise building some illegal billboards were set up by the people and created a serious threat to the life of the citizen during their movement in the street.

Paper clippings are annexed here with and
marked as **“ANNEXURE-A and A-1.”**

6. That it is stated here that Human Rights And Peace For Bangladesh (HRPB) is an organization working on different issues and many public interest litigations have been filed by them. In many cases the Hon’ble High Court Division has passed judgment such as i) VAT

collection from the patient declared illegal, ii) directed to constitute civil vacation court during civil vacation in every December in subordinate court, iii) directed the city corporation not to set up any cattle hat on the street in Dhaka City during Eid-Ul-Azha and removing all slaughtering materials within 24 hours with a hygienic manner, iv) directed to form an inquiry commission about murder/rape /persecution/torture committed immediate after parliament election of 2001 upon the then opposition supporter and minorities, v) directed to set up food court in every city in order to prevent food adulteration, vi) directed to form an “Earthquake Preparedness And Awareness Committee” and collected the necessary earthquake rescue equipments as per their recommendation, vii) directed to protect river Buriganga, Balu, Turag and Shitallakha and to stop encroachment in the rivers as well as directed to remove all the structure from inside the rivers and etc. It is stated here that many other cases are pending before the Hon’ble High Court Division. The organization is always bearing all the cost of the cases by it’s own fund which is raised by the donation of

the members. The organization received no fund from abroad or from any citizen of the country except from the members. Due to present high volume of cases it is not possible to bear the cost of the cases filed before the Hon'ble High Court Division as public interest litigation. Under these circumstances it is necessary to exempt the cost of the cases filed by the organization as public interest litigation. Hence a direction may be given to the office to register the application as a writ petition and also notices may be served at the cost of office.

7. That it is submitted here that the respondents are the public servant and they are duty bound at all time to serve the people and to perform the public duties. But they have failed to do their duty because they have failed to take steps to remove/demolish illegal billboards in order to save the life of the city dwellers from any kinds of security risk.

8. That it is submitted here that the respondents are liable for their negligence. They have not taken appropriate steps to control and

remove all the illegal billboards in Dhaka City. Hence a direction may be given to take appropriate steps.

9. That it is submitted here that without any precautions to save the life of the city dwellers the respondents has sent the life of the people in a dangerous situation, which is violation Article 18(1) of the Constitution of Bangladesh. More over right to life of the citizen is a fundamental rights guaranteed under Article 32 of the constitution of Bangladesh. Hence a direction may be given upon the Respondents to take steps to demolish/remove all illegal billboards in Dhaka City in order to save life of the city dwellers from security risk.

10. That the petitioners sent a legal notice to the respondents requesting them to take appropriate steps to remove/demolish all illegal billboards set up in Dhaka City but no reply received from them.

Copy of the Legal Notice dated 19.03.2010 is
annexed here with and marked as
“ANNEXURE-B”

11. That being aggrieved by and dissatisfied with the failure of the respondents to take steps to save life of the city dwellers from security risk and for a direction to remove/demolish all illegal billboards (hoarding) and having no other equally efficacious remedy the petitioners beg to move your Lordships on the following amongst others:-

GROUND S

I. For that the respondent are the public servants and they are duty bound at all time to serve the people and to perform the public duties. But they have failed to do their duty because the city dwellers are facing security risk due to illegal billboards. Not

only that some people have been died in the mean time due to collapse of billboards.

II. For that the respondents are liable for their negligence. They have not taken sufficient precautions to save life of the city dwellers.

The respondents have failed to do their duty because they have failed to take steps to remove/demolish illegal billboards in order to save the life of the city dwellers from any kinds of security risk

III. For that without any precautions to save the life of the city dwellers, the respondents have sent the life of the people in a dangerous situation, which is violation of Article 18(1) of the Constitution of Bangladesh. Moreover the right to life is a fundamental right guaranteed under Article 32 of the Constitution of Bangladesh but it is violating by way of inaction of the respondents. Hence a direction may be given upon the

Respondents to ensure safety of the residents of the Dhaka City and to take steps to demolish/remove all illegal billboards (hoarding) to save the life of the city dwellers from security risk.

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

a) Direct the office to register this application as a writ petition.

b) Issue a Rule Nisi calling upon the Respondents to show cause as to why failure of the respondents to take effective measures to ensure safety of the residents of the Dhaka City, should not be declared illegal and without lawful authority and why a direction should not be given upon D.C.C. to pay compensation to the deceased victim and why

a direction should not be given upon the respondents to take steps to demolish/remove all illegal billboards (hoarding) in Dhaka City in order to save the life of the city dwellers from security risk and pass such other or further order or orders as Your Lordships may deem fit and proper.

c) Pending hearing the rule direct the respondent no. 4 to form an expert committee to examine whether billboards approved by Dhaka City Corporation have been set up properly in Dhaka City and submit a detail report within 2 (two) weeks before this court.

d) Pending hearing the rule direct the respondent no. 2, 3 and 5 to deploy force as

per the requirement of the Dhaka City Corporation and give full assistance to the drive for dismantles of billboard initiated by the authority.

e) Direct the respondent no. 5 to file an affidavit by 5th April, 2010, explaining his role and the facts under what situation the authority was compelled to halt their drive for dismantling illegal hoarding at Shahbag on 18.03.2010.

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

g) Upon hearing the causes if any shown make the rule absolute.

And for this act of kindness Your Petitioners as in duty bound shall
ever pray.

Name of the Petitioners-

Advocate Asaduzzaman Siddiki -----

Advocate Sarwar Ahad Chowdhury-----

Advocate Md. Aklas Uddin Bhuiyan ----

Submitted By-

Manzill Murshid
গব্বরজ তগবি তম`
Advocate
Supreme Court of Bangladesh.

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

WRIT PETITION NO. OF 2010.

IN THE MATTER OF:

Human Rights and Peace for Bangladesh,
represented by it's Secretary Advocate
Asaduzzaman Siddiki and others.

.....Petitioners.

-V E R S U S-

1. Bangladesh and others.

.....Respondents.

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3.	Paper clippings are annexed here with and marked as <u>“ANNEXURE-A and A-1.”</u>	19.03.2010	
4.	Legal Notice dated 19.03.2010 is annexed here with and marked as <u>“ANNEXURE-B”</u>	19.03.10	
5.	Back Sheet		

Manzill Murshid
গভীর জগিত
Advocate
Supreme Court of Bangladesh.

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গব্বরজ তগব্বিতম`
Advocate
for the Petitioners.

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1. Bangladesh and others.

.....Respondents.

To
The Learned Attorney General
The Peoples Republic of Bangladesh

Dear Sir,

Please take notice that an application under Article 102 read with 44 of
the Constitution, will be filed and moved before this Court, a copy of
which is enclosed herewith for your kind information.

Regards-

Manzill Murshid
গব্বরজ তগবি ত্রম`
Advocate
Supreme Court of Bangladesh.