

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 stop shop construction by the respondents
in the place of selected car park at

Kawranbazar in order to avoid traffic jam and direction upon the city corporation to protect the car park at the place of kawranbazar in order to maintain free movement and hazard free traffic.

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.

.....Petitioner.

-V E R S U S-

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

2. The Secretary, Dhaka City Corporation,
City Corporation Bhaban, Ramna, Dhaka,
Bangladesh.

3. The Chief State Officer, Dhaka City
Corporation, City Corporation Bhaban,
Ramna, Dhaka, Bangladesh.

4. The Chief Engineer, Dhaka City
Corporation, City Corporation Bhaban,
Ramna, Dhaka, Bangladesh.

5. Executive Engineer, Bazar Circle,
Dhaka City Corporation, City Corporation
Bhaban, Ramna, 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 petitioner is a practicing lawyer of this Hon'ble Court and conscious citizen of the country. He is challenging the failure of the respondent to protect car park at kawranbazar in order to avoid traffic congestion of the area. The petitioner 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 stop shop construction in the place of car park .

3. That the Respondent No. 1 is the Mayor, Dhaka City Corporation. Respondent no. 2 is the Secretary, Dhaka City corporation. Respondent No. 3 is the Chief State Officer, Dhaka City Corporation and Respondent no. 4 is the he Chief Engineer, Dhaka City

Corporation, Respondent no. 5 is the Executive Engineer, DCC Bazaar Circle, Dhaka City Corporation, City Corporation Bhaban, Dhaka, Bangladesh. That the addresses of the petitioner 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 people of Dhaka City who are facing serious traffic hazard at VIP road passing through Kawranbazar area which is related to right to move of the citizen. Due to close the car park the effected people unable to come to enforce their fundamental rights, hence the petitioner 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 a report was published in The Daily Star, on 03.04.2010 that the Dhaka City Corporation is constructing shop in the place which was used as a car park. It was also reported that some

interested group is working behind the move in order to get personal benefit. It was reported that traffic congestion is set to be terrible in and around kawranbazar due to turning car park to market.

Paper clipping is annexed here with and marked as **“ANNEXURE-A.”**

6. That it is stated here that most of the time except holiday the road of Dhaka city is occupied by private and public transport with heavy traffic jam. One of the causes behind this heavy traffic jam is absence of wide road and deficiency of car park. Under this circumstances when it is necessary to set up more car park in the city the respondents ignoring the demand is constructing shops in the place of car park at kawranbazar. It is stated here that the area kawranbazar is commercial place where many important office, biggest vegetable market, and many media head office are situated. Moreover VIP road is passing through from west side of the area. In such a place it is always necessary to keep traffic free at the Kawranbazar area but due to

turning the car park to shops at kawranbazar there is every possibility to create more traffic jam in the area which could be seriously affected of the total traffic system of Dhaka City.

7. That it is submitted here that the respondents 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 protect the car park.

8. That it is submitted here that the respondents are liable for their negligence. They have not taken sufficient precautions to protect car park at kawranbazar for avoiding traffic.

9. That it is submitted here that without any precautions to keep traffic jam free at the area of kawranbazar the respondents has sent the life of the city dwellers in hazard, and creating obstruction to the movement of the city dwellers, which is violative of the fundamental

rights guaranteed by the Constitution of Bangladesh. Hence a direction may be given upon the Respondents to take steps to protect car park at kawranbazar.

10. 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 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 Shitalakha and to stop encroachment in the rivers as well as directed to remove all the structure from inside the rivers and etc. Many others 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 the lawyer 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.

11. That being aggrieved by and dissatisfied with the failure of the respondents to protect car park at kawranbazar and having no other equally efficacious remedy the petitioner beg to move your Lordships on the following amongst others:-

GROUND S

- I. For that the respondents 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 constructing shops in the place of car park, which could be the cause of traffic jam at the area as well as in Dhaka City.

- II. For that the respondents are liable for their negligence. They have not taken sufficient precautions to stop shops construction. It is stated here that most of the time except holiday the road of Dhaka city is occupied by private and public transport with

heavy traffic jam, when it is necessary to set up more car park in the city the respondents ignoring the demand is constructing shops in the place of car park at kawranbazar. It is stated here that the area kawranbazar is commercial place where many important office, biggest vegetable market, and many media head office are situated. Moreover VIP road is passing through from west side of the area. In such a place it is always necessary to keep traffic free at the Kawranbazar area but due to turning the car park to shops at kawranbazr there is every possibility to create more traffic jam in the area which could be seriously affected of the total traffic system of Dhaka City.

- III. For that without taking any precautions to keep traffic jam free at the area of kawranbazar the respondents has sent the life of the city dwellers in hazard and creating obstruction to the movement of the city dwellers, which is violative of the fundamental rights

guaranteed by the Constitution of Bangladesh. Hence a direction may be given upon the Respondents to take steps to protect car park at kawranbazar.

iii.

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 shops construction by the respondents in the place of selected car park at Kawranbazar, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to ensure

existence of selected car park at kawranbazar by way of demolishing/removing structure if any in order to avoid traffic jam of the area.

c) Pending hearing of the rule direct the respondents to maintain status-quo in respect of any constructions of shops at the place of car park at kawranbazar and directed to submit a affidavit in compliance before this court within 1 (week) from receipt of the notice stating the steps taken in this regard.

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

e) Upon hearing the cause if any shown makes the rule absolute.

f) Pass such other or further order or orders as Your Lordships may deem fit and proper.

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

Name of the Petitioner-

Advocate Asaduzzaman Siddiki -----

Submitted By-

Manzill Murshid
Advocate
Supreme Court of Bangladesh.

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HIGH COURT DIVISION
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represented by Adv. Asaduzzaman Siddique

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

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HIGH COURT DIVISION
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WRIT PETITION NO. OF 2010.

IN THE MATTER OF:

Human Rights and Peace for Bangladesh
represented by the secretary Advocate
Asaduzzaman siddiki.

.....Petitioner.

-V E R S U S-

1. The Mayor, Dhaka City Corporation
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 তগব্বি ত্রম`
Advocate
Supreme Court of Bangladesh.