

In the Supreme Court of Bangladesh
High Court Division
(Special Original Jurisdiction)

Writ Petition No. 2161 of 2014

Human Rights and Peace for Bangladesh
(HRPB), represented by its Secretary.
..... Petitioner.

-Versus-

Government of Bangladesh, represented
by the Secretary, Ministry of Home
Affairs, Bangladesh Secretariat, Ramna,
Dhaka and others
..... Respondents.

Mr. Manzill Murshid, Advocate

..... for the petitioner.

Mr. Md. Haroon-Ar-Rashid, Advocate

..... for the respondent Nos.6 & 7.

Present

Mr. Justice Gobinda Chandra Tagore

and

Mr. Justice A.K.M. Shahidul Huq

Heard on: 01.11.17, 02.11.17, 08.11.17

Judgment on: 15.01.2018

Gobinda Chandra Tagore, J:

On an application under Article 102 of the Constitution of the People's Republic of Bangladesh, the *Rule Nisi* was issued calling upon the respondents to show cause as to why the inaction of the respondents to take appropriate legal steps against the land

grabbers at Rasulpur, Patgram, Lalmonirhat should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to ensure the safety of the Hindu Citizens in the locality as well as protection of the property of Hindus in the locality and to perform their duties as vested upon them under Article 21 and 31 of the Constitution of Bangladesh and/or why such other or further order or orders as to this Court may seem fit and proper, should not be passed.

Pending hearing of the Rule, the respondent No.2 was directed to form an enquiry committee to investigate the matter published in the newspaper, "The Daily Star" on 02.03.2014 and to submit a report before this Court within 30(thirty) days and the respondents No.5 was directed to ensure arrest of the accused in connection with the concerned allegation within 48 hours and file affidavit in compliance thereof within 1(one) week.

The petitioner Human Rights and Peace for Bangladesh (HRPB) is a non profitable registered organization and the objects of the organization is 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. 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 and to establish the Rule of law. The petitioner was represented by Mr. Asaduzzaman Siddique of this Court who died during the final hearing of the Rule. He was a sincere and devoted human rights activist as well as a conscious citizen of the country. In the Writ Petition, he challenged the failure of the law enforcing agencies to protect the Hindu citizens from land grabbers at the village- Rasulpur, Police Station- Patgram, District- Lalmonirhat. The petitioner also seek to bring the Writ Petition by invoking Article 102 of the Constitution as a public interest litigation in order to take necessary steps against the land grabbers who had violated the provision of law and the law enforcing agencies also failed to perform their duties as vested upon them under Article 21 and 31 of the Constitution. The Writ Petition involved the matters about the rule of law. Due to inaction of the law enforcing agencies, some Hindu people were suffering injustice. The affected

people were unable to come to enforce their fundamental rights. Hence, the petitioner filed the instant Writ Petition as a Public Interest Litigation. On 02.03.2014, a report was published in “The Daily Star” under the heading, “Hindu’s land grabbed by AL leader” stating that on 09.02.2014 one Bhabani Kanta Sen and his son, Bidyut Sen of the village- Rasulpur, Police Station- Patgram, District- Lalmonirhat were picked up and held hostage at the house of an AL leader, Nazrul Islam in Rasulpur village of Bawra Union where they were forced to sign non-judicial stamp to hand over the ownership of a 32 decimals plot of land to Rabiul Islam Miron, president of the Al Bawra Union. Though it was informed to the police but they have failed to take proper steps against the land grabbers. However, it was reported that a case was filed by the land owners but the police was not taking any step to arrest the land grabbers. Moreover, the land grabbers erected poles for building permanent structure on the said land which is evident from the picture published in the newspaper. Due to this reason, Hindu people of the locality felt insecurity. Having gone through the news, the petitioner became aggrieved against the inaction of the law enforcing agencies violating the provision of law and accordingly filed the instant Writ Petition and obtained the Rule and the interim order.

Having placed the Writ Petition, Mr. Manzill Murshid, learned Advocate appearing for the petitioner submits that during hearing of the Rule at the interference by this Court, the dispute between the parties have been solved amicably and they reached a compromise upon executing a deed of compromise which has been annexed to the Supplementary Affidavit and accordingly, the Rule may be disposed of.

None appears on behalf of the respondents.

It appears from the Writ Petition that on 02.03.2014, a news was published in “The Daily Star” under the heading, “Hindu’s land grabbed by AL leader” stating that on 09.02.2014 one Bhabani Kanta Sen and his son, Bidyut Sen of the village- Rasulpur, Police Station- Patgram, District- Lalmonirhat were picked up and held hostage by some local people in Rasulpur village who where they were forced to sign non-judicial stamp to hand over the ownership

of 32 decimals plot of land to Rabiul Islam Miron, president of the Al Bawra Union. It appears that the owners of the land belongs to Hindu community and as per the statement of the petitioner, their properties were forcibly grabbed by the local leader of the party in power.

During hearing by order dated 02.11.2017, we directed (1) Md. Rabiul Haque alias Miran, son of late Kadar Uddin of village-Nabinagar, (2) Md. Mukul Hossain, son of late Kashem Ali, (3) Md. Anar Ali alias Anar Hossain Kha, (4) Md. Sultan Ali Kha, (5) Md. A. Samad, all sons of late Hossain Ali Kha of village-Rasulpur, (6) Md. Nazrul Islam, son of late Soleman Ali of village-Hosnabad, all of Police Station- Patgram and (7) Md. Nosimuddin, son of Md. Badar Ali of village- Bura Sardubi, Police Station-Hatibandha, District- Lalmonirhat as well as the Public Prosecutor of Lalmonirhat to appear before this Court. Accordingly, they appeared before this Court on 08.11.2017. They were also directed to produce the three stamps allegedly procured by them from the victim. Accordingly, the said persons appeared before this Court on 08.11.2017. During hearing, Md. A. Samad, Md. Nazrul Islam, Md. Rabiul Haque alias Miran and Md. Anar Ali alias Anar Hossain Kha undertook before this Court that they would amicably returned the land to it's owner, Bhabani Kanta Sen. Accordingly, they reached an amicable settlement upon executing a Compromise Deed on 07.01.2018. From the Compromise Deed, it appears that said Md. A. Samad, Md. Nazrul Islam, Md. Rabiul Haque alias Miran and Md. Anar Ali alias Anar Hossain Kha amicably returned the land to Bhabani Kanta Sen, represented by his son, Bidhan Sen. Thus, it appears that the dispute has been amicably settled between the parties. However, the settlement was not reached at the interference of the local law enforcing agencies. The law enforcing agencies did not discharge their statutory duty in accordance with law. Thus, it appears that they failed to protect the victim from the land grabbers. Human Rights and Peace for Bangladesh, represented by it's Secretary late Advocate Asaduzzaman Siddique came forward to rescue the victim from the land grabbers. Accordingly, the organization as well as it's Secretary should be appreciated.

Since the dispute has been amicably settled, we find that the cause of action of the Rule has already been satisfied and exhausted.

Accordingly, the Rule is disposed of.

However, there would be no order as to costs.
