

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

WRIT PETITION NO. OF 2018.

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 its Secretary-in-Charge, Advocate Md. Sarwar Ahad Chowdhury, Hall Room No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioner.

-V E R S U S-

1. Bangladesh, represented by the Secretary, Ministry of Home Affairs, Bangladesh Secretariat, Abdul Gani Road, Dhaka 1205.

2. The Deputy Commissioner, Pirojpur, Office of the Deputy commissioner, Pirojpur, Post and District-Pirojpur.

3. The Superintendent of Police (SP), Pirojpur, Post and District- Pirojpur.

4. The Mayor, Pirojpur Pourashava, Upazila-Pirojpur, District: Pirojpur.

5. The Officer-in-Charge (O.C.), Pirojpur Sadar Police Station, Pirojpur Sadar, District- Pirojpur.

6. The Upazial Nirbahi Officer(UNO), Pirojpur Sadar, P.S- Pirojpur Sadar, District- Pirojpur.

7. Executive Engineer, Power Development Board, Pirojpur Sadar, P.S- Pirojpur Sadar, District- Pirojpur.

8. Mr. Obaidul Haque alias Pintu, Joint Secretary, Pirojpur District Jubo League, Bypass Shorok, Masimpur, Thana-Pirojpur Sadar, Pirojpur.

.....Respondents.

AND

IN THE MATTER OF:

Article 31, 32, 36 and 42 of the Constitution of Bangladesh.

AND

IN THE MATTER OF:

Failure of the respondents to take appropriate legal steps against a land grabber of a house namely: Surgicare Clinic and Diagnostic Center situated at By-pass Sarak, Machimpur, Pirojpur Sadar, Pirojpur owned by a physician namely Bijoy Krishna Haldar and failure of the respondents to perform their duties as vested upon them under Article 21 and 31 of the Constitution of Bangladesh and direction upon the respondents to ensure human rights of a citizen and right to property as well as right to free movement and right to life as well.

GROUNDS

I. For that Article 31 of the constitution of Bangladesh has provided a provision that ‘to enjoy protection of law and to be treated in accordance with law and only in accordance with law’ but in the case it has been violated by the respondents/the law enforcing agencies.

II. For that the duty and responsibility vested upon the administration to protect the property, human life and to give safety to them. 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 per the constitution. Hence a direction may be given to take appropriate steps as per law.

III. For that the duty and responsibility vested upon the administration to serve the people and they are duty bound to obey the provisions of law. It is the duty of an officer to act legally but no law has been allowed him to treat the citizen in an unlawful manner or

otherwise discriminatorily. But the respondent has failed to perform the duties and responsibility as per the constitution.

IV. For that as per Article 21 of the Constitution of Bangladesh the duty of every public servant is to perform public duties and to observe the constitution and the laws. Under Article 31 of the constitution of Bangladesh, everyone is to be treated in accordance with law. According to the news report the provision of Article 21 and 31 of the Constitution of Bangladesh has been violated.

V. For that due to inaction of the respondents, the right to life as guaranteed in article 32, right to property guaranteed in article 42 and right to free movement of Mr. Haldar and his family has been curtailed at the behest of said Obaidul Haque alias Pintu. That they are now living in sub-standard life at their own house. Hence, Your Lordships may intervene into this matter for the ends of justice.

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 the failure of the respondents to take appropriate legal steps against the land grabbers of a house namely: Surgicare Clinic and Diagnostic Center situated at by-pass Sarak, Machimpur, Pirojpur Sadar, Pirojpur owned by a physician namely Bijoy Krishna Haldar, should not be declared illegal and without lawful authority.

AND

Why a direction should not be given upon the respondents to ensure right to life, safety, and free movement of Mr. Bijoy Krishna Haldar, his wife Gita Rani Majumdar and their daughter and to ensure protection of the house namely: Surgicare Clinic and Diagnostic Center situated at by-pass Sarak, Machimpur, Pirojpur Sadar, Pirojpur owned by Bijoy Krishna Haldar and his family and to perform their duties as vested upon them under the Constitution of Bangladesh.

b) Pending hearing of the Rule, direct the respondent No. 2 and 3 to ensure free movement and enjoyment of property by Mr. Bijoy Krishna Haldar, his wife Gita Rani

Majumdar and their daughter without intervention.

c) Pending hearing of the Rule, direct the respondent No. 2 to form an inquiry committee consisting of civil and law enforcing agencies members to investigate the matter as published in the daily *Prothom Alo* on 27.05.2018 and submit a report before this Hon'ble Court within 30 (thirty) days.

d) Pending hearing of the Rule, direct the respondent No. 4 and 7 to restore connections of water and electricity supply respectively in the fifth floor of the house namely: Surgicare Clinic and Diagnostic Center situated at by-pass Sarak, Machimpur, Pirojpur Sadar, Pirojpur, where Mr. Bijoy Krishna Haldar, his wife Gita Rani Majumdar and their daughter are living.

e) Pending hearing of the rule directs the respondents to take legal action against the alleged land grabbers as per the appropriate provision of law and filed a compliance report before this court within 7 days.

Present Status

The case was filled and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble Court issued Rule Nisi upon the respondents. The matter is pending before the Hon'ble High Court Division.
