

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

WRIT PETITION NO. OF 2012.

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, Prime Minister's Secretariat, Tejgaon, P.S.: Tejgaon, District: Dhaka.

2. The Secretary, Ministry of Environment and Forest, Bangladesh Secretariat, P.S.: Ramna, District: Dhaka.

3. The Director General, Department of Environment, Agargaon, E-16, Sher-E-Bangla Nagar, Dhaka, Bangladesh.

4. The Director (Monitoring and enforcement) Department of Environment, Poribesh Bhaban, E-16, Agargaon, Sher E Banglanagar, Dhaka-1207, Bangladesh.

5. The Director, Department of Environment, Chittagong Divisional Office, Chittagong.

6. The Deputy Commissioner, Chittagong, Post and District –Chittagong.

7. The Police Super, Chittagong, Post and District- Chittagong.

8. The Upazila Nirbahi Officer(UNO), Anwara, Post and P.S-Anwara, District- Chittagong.

9. The Officer in charge (O.C.), Anwara, Post and P.S-Anwara, District- Chittagong.

10. The Managing Director, Korean EPZ Corporation (BD) Ltd, KEPZ Anwara, 36 Lake drive Road, Sector-7, Uttara, Dhaka, Bangladesh

11. Md. Hasan nasir, The adviser and Director, KEPZ Chittagong, 36 Lake drive Road, Sector-7, Uttara, Dhaka, Bangladesh.

12. Eng. Md. Shahjahan The General Manager, KEPZ Chittagong, 36 Lake drive Road, Sector-7, Uttara, Dhaka, Bangladesh.

13. Md. Abul Kalam Azad, Deputy Manager, KEPZ Chittagong, 36 Lake drive Road, Sector-7, Uttara, Dhaka, Bangladesh.

....Respondents

GROUND S

I. For that disregard to laws and legal provisions and failure to ensure proper implementation of laws the respondents have caused enough damage to the environment and the country is adversely affecting. Under these circumstances the respondents are legally bound to protect the hills which is under the control of Korean EPZ at Karnafuli Thana under Anwara Upazial of Chittagong District in accordance with law.

II. For that the duty and responsibility vested upon the respondents to serve the people and initiate lawful steps and they are also duty bound to obey the provisions of law. But the respondents have failed to perform the duties and responsibility as vested upon them and by way of violating the provision of law hills cutting are continuing in the Chittagong, which is illegal. Hence a direction may be given upon the respondents to stop hills cutting which is under the control of Korean EPZ at Karnafuli Thana under Anwara Upazial of Chittagong District.

III. For that the environment is being continuously endangered and threatened by various illegal activities such as cutting hills in the Chittagong area. The unauthorized activities are the main causes for environmental degradation. Taking advantage of the silence of the concern authority, the illegal activities is continuing and as a result the environmental is destroying.

IV. For that such disregard to laws and legal provisions and failure to ensure proper implementation of laws have caused enough damage to the environment of the area and adversely affecting the environment of the country and as such the respondents are required to be directed to protect the hills which is under the control of Korean EPZ at Karnafuli Thana under Anwara Upazial of Chittagong District, in accordance with law.

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

a) A Rule Nisi calling upon the Respondents to show cause as to why inaction of the respondents to protect the hills which is under the control of Korean EPZ at Karnafuli Thana under Anwara Upazial of Chittagong District ,should not be declared illegal and without lawful authority and Why a direction should not be given upon the respondents to stop hill cutting which is under the control of Korean EPZ at Karnafuli Thana under Anwara Upazial of Chittagong District.

b) Pending hearing of the Rule directs the respondent No. 6-9 to arrange continuous monitoring in the hill area which is under the control of Korean EPZ at Karnafuli Thana under Anwara Upazial of Chittagong District, so that no one can destroy/cut/damage the hill .

c) Pending hearing of the rule directs the respondent no. 6-9 to take legal steps who are cutting hills which is under the control of Korean EPZ at Karnafuli Thana under Anwara Upazial of Chittagong District and file case against them in accordance with law and submit a progress report before this court through Registrar.

d) Pending hearing of the rule direct the respondent no. 10-13 to take appropriate steps to fill up the soil of the hill which is under the control of Korean EPZ at Karnafuli Thana under Anwara Upazial of Chittagong District within 6 months and file a compliance report before this court.

e) Pending hearing of the rule direct the respondents no. 10-13 to appear in person on 23.04.2012 at 10.30 am before this Hon'ble Court to explain their conduct.

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 and granted ad-interim order. The matter is pending before the Hon'ble High Court Division.
