

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.

G R O U N D 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 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.

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.

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 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.
- b) 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.

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 was heard by the Hon'ble High Court Division and made the rule absolute.
