

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

WRIT PETITION ON 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 the Secretary of the Executive Committee Asaduzzaman Sddiqui , Advocate, Supreme Curt of Bangladesh, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

2. Advocate Aklasuddin Bhuiyan , Advocate, Supreme Curt of Bangladesh, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioners.

-VERSUS-

1. Bangladesh represented by the Secretary, Ministry of Environment, Bangladesh Secretariat, P.S. Pachlaish, Dhaka, Bangladesh.

2. The Mayor, Chittagong City Corporation, Post and District.- Chittagong, Bangladesh.

3. The Chairman, Chittagong Development Authority(CDA), CDA Building, Chittagong, Bangladesh.

4. The Police Commissioner, Chittagong Metropolitan Police, CMP Head quarter, Post and P.S.- Chittagong, Bangladesh.

5. The Director, Environment Directorate, Zakir Hossain Shorok, Police Station-Khulshi, Chittagong, Bangladesh.

6. The Councilor, Word No. 16 (Chokbazar), Chittagong City Corporation, Police Station-Pachlaish, District.- Chittagong, Bangladesh.

7. The Officer In Charge (O.C.), Pachlaish, P.S. Pachlaish, District- Chittagong, Bangladesh.

..... Respondents

AND
IN THE MATTER OF:

For a direction to stop encroachment and earth filling in a ponds namely Munshipukur situated at Chokbazar P.S. Pachlaish, Chittagong City Corporation, violating the provisions of law.

G R O U N D S -

I. 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 steps for earth filling, encroachment in pond is going on, which is illegal.

II. For that the environment is being continuously endangered and threatened by various illegal activities such as filling up the pond. The main causes for environmental degradation is unauthorized filling up, in the pond/river around the country.

III. 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 life of the area and as such the respondents are required to be directed to protect the pond in accordance with law.

IV. For that violating the provisions of law the some vested group is going to encroach and earth filling in the pond against which several objection was raised but the pond is going to encroachment , which is illegal.

V. For that under Section 5 of the *Environment Conservation Act, 1992* and *Section 8 of the Environment Conservation Act, 1992* also prohibits change of the nature of any land that has been earmarked as a natural reservoir. As per section 8 of the Act 2000 any person who acts in contravention of the Act is liable to imprisonment not exceeding 5 years or a fine not exceeding Taka 50,000 or both. In spite of that provision of law steps is going to be earth filling in a pond. Hence direction should be given to stop earth filling in the pond situated at Chokbazar, Police Station-Pachlaish, Chittagong City Corporation.

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 a direction should not be given upon the respondent to stop encroachment and earth filling in the pond namely Munshipukur situated at Chokbazar, Police Station-Pachlaish, Chittagong City Corporation and why a direction should not be given upon the respondents to protect the same pond in accordance with law.

b) Pending hearing of the rule directs the respondents to maintain status quo in respect of construction work/encroachment/earth filling in the pond namely Munshipukur, situated at Chokbazar, Police Station-Pachlaish, Chittagong City Corporation.

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.
