

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.

.....Petitioner.

-VERSUS-

1. Bangladesh represented by the Secretary, Ministry of Local Government , Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.

2. The Deputy Commissioner, Barisal, Post and District- Barisal.

3. The Police Commissioner, Barisal, post and District-Barisal.

4. Upazila Nirbahi Officer (TNO), Barisal Sadar Upazila, P.S. Kotwali, District-Barisal.

5. The Deputy Director, Barisal Divisional Office, Environment Directorate, 393 Fakirbari Road, Barisal, District- Barisal.

6. The Officer In Charge (O.C.), Barisal Sadar Thana, P.S. Barisal Sadar, District- Barisal.

7. The Mayor, Barisal City Corporation , P.S. Lalmohan, District- Barisal.

8. Md. Anwar Hossain, Son of Abdul Al Box Mia, of Bhatikhana, P.S. Kotwali, District-Barisal.

9. Abdul Mannan, Son of Abdul Satter Mia, of Beltola, P.S. Kotwali, District-Barisal.

10. Riaz Ahmed Choudhury, Son of Late Abdul Malek Choudhury, of Jhautola, P.S. Kotwali, District-Barisal.

11. Poresh Chandra Dey, Son of Late Shatish Chandra Dey, of Jhautola, P.S. Kotwali, District-Barisal.

12. Md. Mohiuddin Khan, Son of Solaiman Khan, of Notunbazar, P.S. Kotwali, District-Barisal.

13. Rizia Begum, wife of Late Abdul Khalek of Jhautola, P.S. Kotwali, District-Barisal.

..... Respondents

AND
IN THE MATTER OF:

For a direction to stop encroachment and earth filling in a ponds situated in Jhautola, P.S. Kotwali, District-Barisal, 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 of earth filling, encroachment in pond is going to be implemented, 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, build structure in the pond/river around the country.

II. 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.

III. For that violating the provisions of law the steps has been taken against which several objection was raised but the pond is going to encroachment, which is illegal.

IV. For that under Section 5 of the *Environment Conservation Act, 1986* and *Water Resources Act, 1970* and *Water (Control) Act, 1956*, 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 a project is going to be implemented. Hence direction should be given to stop earth filling in the pond at Jhautola(2nd Goli), Hospital Road, P.S. Kotwali, District- Barisal,

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 respondents to stop encroachment and earth filling in the pond situated at Jhautola(2nd Goli), Hospital Road, P.S. Kotwali, District-

Barisal, and why a direction should not be given upon the respondents to protect the same pond in an effective manner.

b) Pending hearing of the rule directs the respondents to maintain status quo in respect of construction work/encroachment/earth filling in the pond situated at Jhautola(2nd Goli), Hospital Road, P.S. Kotwali, District- Barisal.

Present Status

The case was filed 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.
