

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 its Secretary Advocate Asaduzzaman Siddiqui, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

2. Advocate Aklas Uddin Bhuiyan, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioners.

**-V E R S U S-**

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

2. The Secretary, Ministry of Land, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.

3. The Deputy Commissioner, Bhola, Post and District- Bhola.

4. Upazila Nirbahi Officer (TNO), Lalmohan Upazila, P.S. Lalmohan, District-Bhola.

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

6. The Upazila Engineer, LGED office, Lalmohan, P.S. Lalmohan, District- Bhola.

7. The Officer In Charge (O.C.), Lalmohan Thana, P.S. Lalmohan, District- Bhola.

8. The Mayor, Lalmohan Pourashava, P.S. Lalmohan, District- Bhola.

9. The Chairman, Lalmohon Boys High School Managing Committee, Lalmohan Pourashava, P.S. Lalmohan, District- Bhola.

.....Respondents.

AND  
IN THE MATTER OF:

For a direction to stop illegal encroachment and earth filling in a ponds situated in khas land, under Mehergonj Mouza, J.L. No. 17, Khatian No. 1446, S. A and R.S Dag no. 1283, in Lalmohan Pourashava, Bhola, 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 earth filling, encroachment is continuing in pond , 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 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 school authority is implementing a project for filling the pond at Mehergonj Mouza, J. L. No. 7, Khatian No. 1446, S.A and R.S. Dag no. 1283, in Lalmohan Pourashava, Bhola, against which several objection was raised and but it was ignored , which is illegal.

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 a ponds situated in Mehergonj Mouza, J. L. No. 7, Khatian No. 1446, S.A and R.S. Dag no. 1283, in Lalmohan Pourashava, Bhola, and why a direction should not be given upon the respondents to stop all kinds of construction work initiated in the pond situated at Mehergonj Mouza, J. L. No. 7, Khatian No. 1446, S.A and R.S. Dag no. 1283, in Lalmohan Pourashava, Bhola, .

b) Pending hearing of the rule directs the respondents to maintain statuesque in respect of construction work/encroachment/earth filling in the pond situated in Mehergonj Mouza, J. L. No. 7,

Khatian No. 1446, S.A and R.S. Dag no. 1283, in  
Lalmohan Pourashava, Bhola , .

**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.

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