

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

WRIT PETITION ON ..... OF 2010

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, Son of Abdul Khalek Bhuiyan of 33 Abdul Hadi Lane, P.S. Bangshal, Dhaka.

.....Petitioners.

**-VERSUS-**

1. Bangladesh represented by the Secretary, Ministry of Shipping, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.
2. The Chairman, BIWTA, 141-143 Motijheel C/A, P.S. Motijheel, Dhaka, Bangladesh.
3. The Director General, Department of Environment, Paribesh Bhaban, E-16, Sher-E Bangla Nagar, Agargaon, Dhaka.
4. The Director (Port and Traffic), BIWTA, 141-143 Motijheel C/A, P.S. Motijheel, Dhaka, Bangladesh.
5. The Director (Planning), Headquarter, BIWTA, 141-143 Motijheel C/A, P.S. Motijheel, Dhaka, Bangladesh.
6. The Chief Engineer, BIWTA, 141-143 Motijheel C/A, P.S. Motijheel, Dhaka, Bangladesh.
7. The Executive Engineer, Dhaka Division, BIWTA, Dhaka, and Project Director, 141-143 Motijheel C/A, P.S. Motijheel, Dhaka, Bangladesh.

8. The Senior Deputy Director( P & T), Dhaka River Port, Terminal Bhaban, Sadarghat, Dhaka.

9. The Deputy Commissioner, Dhaka, Office of the Deputy Commissioner, Collectorate Building, Johnson Road, Dhaka.

10. The Police Commissioner, Dhaka, Dhaka Metropolitan Police, Dhaka, Bangladesh.

..... Respondents

AND

IN THE MATTER OF:

For a direction to stop construction of recreation centre for BIWTA in the River Buriganga, at kamrangichar, P.S.-Kamrangichar, District-Dhaka, violating the provisions of law.

AND

IN THE MATTER OF:

Judgment dated 25.06.2009 passed by the Hon'ble High Court Division in Writ Petition No. 3503 of 2009.

**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 the earth filling is continuing in river Buriganga, which is illegal. Hence direction may be given upon the respondents to stop earth filling in the River Buriganga at Kamrangichar, Dhaka and to cancel the project in the Buriganga river.

II. 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 city dwellers are adversely affecting to the right to life. Under these circumstances the respondents are legally bound to protect the river Buriganga in accordance with law.

III. For that under Section 5 of the Environment Conservation Act, 1996, which provides that no person shall fill, excavate or alter 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 and violating the directions of the Judgment the respondents are going to execute a project illegally in the river Buriganga at Kamrangichar, Dhaka. Hence a direction may be given to stop implementation the project in the name of recreation centre of BIWTA in river Buriganga and to cancel the project in the river.

IV. For that the non-implementation of the laws the respondents undermined the rule of law and frustrated the Judgment and directions given by the High Court Division in Writ Petition no. 3503 of 2009.

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 implementation of a project in the name of BIWTA recreation centre in the river Buriganga at Kamrangichar, Dhaka, should not be declared illegal and without lawful authority as it is violative of the provisions of law and Judgment passed on 25.06.2009 by the Hon'ble High Court Division in Writ Petition No. 3503 of 2009.

AND

Why a direction should not be given upon the respondents to remove all earth filling and structure building at Kamrangichar in the river Buriganga in the name of BIWTA recreation centre.

B) Pending hearing of the rule Direct the respondent no. 2-8 to maintain status quo in respect of implementation of the project in river Buriganga at Kamrangichar, Dhaka.

**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. After hearing the parties the rule was made absolute.

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