

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 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 it's Secretary, Advocate Asaduzzaman
Siddique, Hall No. 2, Supreme Court Bar Association
Bhaban, Dhaka, Bangladesh.

.....Petitioner.

-V E R S U S-

1. Bangladesh represented by the Secretary, Ministry
of Home Affairs, Bangladesh Secretariat , P.S.:
Shahbag, District: Dhaka.

2. Inspector General of Police (IGP), Police Head
Quarter Bhaban, Ramna, Dhaka, Bangladesh.

3. Deputy Inspector General of Police (DIG), Barisal
Range, P.O.- Barisal, District-Barisal

4. The Superintendent of Police (SP), Pirojpur,
District- Pirojpur.

5. The Officer in Charge (O.C.), Mothbaria Police
Station, P.S. Mothbaria, District- Pirojpur.

.....Respondents.

G R O U N D S

I. For that Article 31 of the constitution of Bangladesh has provided a provision that 'to enjoy protection of law and to be treated in accordance with law and only in accordance with law' but in the case it has been violated by the law enforcing agencies.

II. For that the duty and responsibility vested upon the administration to protect persons and property of any citizen of the country. The respondents are also duty bound to obey the provision of law. It is the duty of an officer to perform the duties in accordance with law, but they have failed to perform the duties and responsibility as per the constitution. Hence a direction may be given to take appropriate steps as per law.

III. For that the duty and responsibility vested upon the administration to serve the people and they are duty bound to obey the provisions of law. It is the duty of an officer to act legally but no law has been allowed him to treat the citizen in an unlawful manner. But the respondent has failed to perform the duties and responsibility as per the constitution.

IV. For that as per Article 21 of the Constitution of Bangladesh the duty of every public servant is to perform public duties and to observe the constitution and the laws. Under Article 31 of the constitution of Bangladesh every one is to be

treated in accordance with law. According to the news report the provision of Article 21 and 31 of the Constitution of Bangladesh has been violated.

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 the inaction of the respondents to take appropriate legal steps against the land grabbers at South Sonakhali, P.S. Mothbaria, District-Pirojpur, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to ensure the safety of the Hindu Citizens in the locality and to perform their duties as vested upon them under Article 21 and 31 of the Constitution of Bangladesh.
- b) Pending hearing of the Rule an order may be passed directing the Respondent no. 4 and 5 to be present before this Hon'ble Court and explain their position about their failure to arrest the land grabbers.
- c) Pending hearing of the rule direct the respondent no. 2 to form an inquiry committee to investigate the matter published in the news paper and submit a report before this Court within 30 (thirty) days.
- d) Pending hearing of the rule direct the respondent no. 4 to ensure arrest of the accused within 48 hours and file affidavit in compliance thereof within 7 days.

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.
