

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:

1. Human Rights and Peace for Bangladesh (HRPB) Represented by it's Secretary Asaduzzaman Sddiqui , Advocate, Supreme Curt of Bangladesh, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioner.

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

1. The Chief Election Commissioner, Election Commission Bhaban, Sher-E-Bangla-Nagar Dhaka, Bangladesh.
2. The Secretary, Election Commission Secretariat, Election Commission Bhaban, Sher-E-Bangla-Nagar, Dhaka, Bangladesh.
3. The District Election Officer, 67 west Agargaon, Sher-E-Bangla Nagar, District- Dhaka.
4. The Administrator, Dhaka North City Corporation, Mayor House (Near Azad Mosjid), 82 Gulshan Avenew, P.S.- Gulshan, Dhaka, Bangladesh.
5. The Administrator, Dhaka South City Corporation, Nagar Bhaban, Fulbaria Road, Dhaka, Bangladesh.
6. Mr. Mihir Sarwar Morshed, The Returning Officer, Dhaka North City Corporation, 67 west Agargaon, Sher-E-Bangla Nagar, District- Dhaka.
7. Mr. Khondkar Mizanur Rahman, The Returning Officer, Dhaka South City Corporation, Mahanagar Naitto Mancha, Gulistan, Dhaka, Bangladesh.

.....Respondents.

**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 they are going to earth held election of Dhaka North City Corporation and Dhaka South City Corporation, which is illegal. Hence it is liable to be declared illegal and without lawful authority.

II. For that though two City Corporation has been established by the Government namely Dhaka North City Corporation and Dhaka South City Corporation, but no Boundary Demarcation Officer has been appointed for demarcation of the land of the new City Corporation. Not only that there is also a provision to appoint assistant Boundary Demarcation Officer but it was not done by

the Government, which is violation of law. Hence any further steps to hold election of Dhaka North City Corporation and Dhaka South City Corporation may be declared illegal and without lawful authority.

III. For that the election is going to be held without following the provisions of law which is a threat to the Rule of Law as well as seriously affected the provision of Article 31 of the Constitution of Bangladesh to be treated in accordance with law and only in accordance with law.

IV. For that according to section 27(1) of the 'The Local Government (City Corporation) Act. 2009'' the Corporation has to be divided into Words and in that case Boundary Demarcation officer has to be recommend for division of specific number of words in order to election of Councilor. It is evident from section 27(2) of the Local Government (City Corporation) Act. 2009 the number of words has to be determined after considering the latest population. But in the instant case there is no similarity of population between the words. Hence it is violated the provisions of law.

V. For that it is evident from the Gazette Notification dated 05.12.11 (as of annexure-c) that only renumbered the word in the Gazette Notification. There after another notification was published on the same date for Dhaka South City Corporation. Though the provisions of law in case of New City Corporation is to divide the City Corporation into words by the recommendation of the Boundary Demarcation Officer then publish the number of the words by the Gazette. But ignoring the specific provisions of law the instant Gazette notification was published which is not maintainable in the eye of law. That on 29.03.2010 a notification was published as per section 27(Kha) in which the Government fixed the numbers of words for Dhaka City corporation in order to fulfill the requirements of section 5(1)(kha) and 5(2). Such kinds of notification has not been published after new creation of city corporation namely Dhaka North City Corporation and Dhaka South City Corporation.

VI. For that on 29.03.2010 a notification was published as per section 27(Kha) in which the Government fixed the numbers of words for Dhaka City corporation in order to fulfill the requirements of section 5(1)(kha) and 5(2). Such kinds of notification has not been published after new creation of city corporation namely Dhaka North City Corporation and Dhaka South City Corporation. Hence the election of the city corporation is holding violating the provision of law, hence it is liable to be declared illegal and without lawful authority.

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 hold the election of Dhaka North City Corporation and Dhaka South City Corporation after compliance of the provisions of the Section 3(2), 5(1)(kha), 27, 28, 29 and 30 of the Local Government (City Corporation) Act. 2009
- b) Pending hearing of the rule direct the respondents to stop all further operation of the procedure of election of Dhaka North City Corporation and Dhaka South City Corporation which is scheduled to be held on 24.05.2012.

#### **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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