

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.
2. Advocate Robiul Alam Budu, of Albaraka Tower, Flat-8B, 252 New Elephant Road, Katabon, P.S.: Newmarket, Dhaka.
3. Advocate Md. Nurul Eman Babul of 53/9 Jonson Road, Hotel Sha Kamal , Room No. 50, P.S.: Kotwali, District-Dhaka.
4. Advocate Md. Zafar Imam of 16 D Modhubagh, Mogbazar, Police Station- Raman, Dhaka.

.....Petitioners.

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

1. Bangladesh represented by the Cabinet Secretary, Cabinet Division, Bangladesh Secretariat , P.S.: Shahbag, District: Dhaka.
2. The Secretary, Prime Minister's Secretariat, Prime Minister's Office Old Sangsad Bhaban, P.S. Tejgaon, District: Dhaka.
3. The Secretary, Ministry of Law, Justice and Parliamentary Affairs, Bangladesh Secretariat, P.S.: Shahbag, District: Dhaka.
4. The Secretary , Bangladesh Jatiya Sangsad Secretariat, Jatiya Sangsad Bhaban, Sher-E-Bangla Nagar, Dhaka.
5. The Mayor, Dhaka City Corporation, City Corporation Bhaban, P.S. Ramna, Dhaka.

.....Respondents.

**G R O U N D S**

- I. For that the respondent are the public servants and they are duty bound at all time to serve the people and to perform the public duties. But they have failed to do their duty to implement the provision of House Rent Act 1991.
- II. For that the respondents are liable for their negligence. They have not taken sufficient precautions to protect the interest of the tenant. Hence a direction may be given upon the respondents to take appropriate steps to enforce the provisions of "House Rent Control Act. 1991" in respect of rent, signing of agreement and payment of receipt, increase of rent, eviction of tenant etc. and to execute the "standard rent" for premises fix by the Dhaka City Corporation and to frame rules as per section 34 of the House Rent Control Act. 1991.

III. For that without implementation of the provision of House Rent Control Act. 1991, the respondents have sent the life of the people in a critical situation, which is violation of Article 31 of the Constitution of Bangladesh.

IV. For that most of the people living in Dhaka City in rented house and they are middle class and poor people. Some of them are doing normal job, some of them are garments worker, some of them are 3<sup>rd</sup> class and 4<sup>th</sup> class employee. Not only that many people of the Dhaka City is unable to bear their cost of the life but maximum income has to pay for house rent. It is really hampering the life of the citizen as well as creating obstruction to right to life and violating the provision fundamental rights of the citizen.

V. For that it is provided in law that an agreement has to be signed between the tenant and land lord, land lord will give rent receipt to the tenant, excess house rent will not increase by the land lord, no eviction can be made illegally and house rent will be collected as per standard rate. But violating the above mentioned provisions of law the tenancy is continuing and the land lord is collecting rent as per his will and evicting the tenant without following the procedure. Some times the people are so helpless to the aggression of the land lord so that they are bound to fulfill all the illegal demand of the land lord.

VI. For that the provision laid down in the House Rent Control Act. 1991 providing punishment for violation of the law but it is not enforcing appropriately. Most of the tenant is fighting for their economical survival and they are not so strong to fight with the land lord, so they avoid class with land lord. Finally the land lord is getting a special facility in respect of tenancy and all the main provisions become infective. In these circumstances it is necessary to take effective steps to implement the provision of House Rent Act. 1991 by way of framing rules. Under the facts and circumstances the tenants are fully victimized and thrown in to a situation in which they are totally helpless and need judicial protection for their existence.

VII. For that the respondents have no control over the matter of collection of house rent. Though the Dhaka City Corporation fixed the standard rate for house rent but it is not executing by the authority, so problem has been created and the tenants are depriving in many form. Hence a direction may be given to enforce the standard house rent as fixed by the Dhaka City Corporation.

Wherefore, it is most humbly prayed that Your Lordships would graciously be pleased to;-

a) A Rule Nisi calling upon the Respondents to show cause as to why a direction should not be given upon the respondents to take appropriate steps to enforce the provisions of "House Rent Control Act. 1991" in respect of rent, signing of agreement and payment of receipt, increase of rent, eviction of tenant etc. and to execute the "standard rent" for premises fix by Dhaka City Corporation and to frame rules as per section 34 of the House Rent Control Act. 1991.

### **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. The matter is pending before the Hon'ble High Court Division.

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