

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

2. Advocate Sarwar Ahad Chowdhury, Director, Human Rights and Peace for Bangladesh (HRPB) of 3/14 Bashbari Bosila Road, Mohammadpur, P.S.: Mohammadpur, Dhaka.

..... Petitioners.

-V E R S U S-

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

2. Bangladesh represented by the Secretary Ministry of Land, Bangladesh Secretariat, P.S. Shahbag, District: Dhaka.

3. The Chairman, RAJUK, Rajdhani Unnayun Kartipakkaha (RAJUK), RAJUK Bhaban, Dhaka, Bangladesh.

4. The Administrator, Dhaka North City Corporation, Mayor House (Near Azad Masjid), 82 Gulshan Avenew, P.S.- Gulshan, Dhaka, Bangladesh.

5. The Administrator, Dhaka South City Corporation, Nagar Bhaban, Fulbaria Road, Dhaka, Bangladesh.

..... Respondents.

AND

IN THE MATTER OF:

Failure of the respondents to protect the area of wanderland in Gulshan, Dhaka, as a public park and for a direction upon the respondents to maintain and protect the area named as wanderland as a public park.

GROUND S

I. For that as per Article 21 of the Constitution of Bangladesh the duty of every public servant is to perform public duties and to protect public property. Under Article 31 of the constitution of Bangladesh no one is allowed to take any action except in accordance with law. According to the news report respondents violated the provision of Article 21 and 31 of the Constitution of Bangladesh.

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II. For that the duty and responsibility vested upon the respondents to serve the people and initiate lawful steps and the respondents 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 also failed to protect and maintain the area of wanderland as a public park, which is illegal. Under these circumstances the respondents are liable to take immediate steps to protect the area of wanderland at Gulshan as a public park.

III. For that such disregard to laws and legal provisions and failure to ensure proper implementation of laws have caused enough damage to the recognized park and as such the respondents are required to be directed to protect the above mentioned park in accordance with law.

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 Failure of the respondents to protect the area of wanderland at Gulshan, Dhaka, as a public park, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to protect and maintain the area named as wanderland as a public park.

b) Pending hearing of the rule directs the respondents not to lease out the area of wanderland at Gulshan to any one and not to cut or destroy natural beauty of the place.

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.
