

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

WRIT PETITION NO. .... OF 2006.

IN THE MATTER OF:

An application under Article 102 of the Constitution of the People's Republic of Bangladesh read with Article 44 of the Constitution.

AND

IN THE MATTER OF:

Enforcement of Fundamental Rights as guaranteed under Article 31 and 41 of the Constitution of Bangladesh.

AND

IN THE MATTER OF

Construction of road in the Azimpur Graveyard by demolishing hundred of graves.

AND

IN THE MATTER OF:

1. Human Rights and Peace For Bangladesh (HRPB) Represented by it's President, Manzil Murshid, 36 Mirpur Road, P.S. Dhanmondi, Dhaka, Bangladesh.
2. Advocat Asaduzzaman Siddique, Secretary, Human Rights and Peace for Bangladesh (HRPB), Hall No.2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioners

-VERSUS-

1. Bangladesh represented by the Secretary, Ministry of L.G.R.D, Government of Bangladesh, Bangladesh Secretariat, Ramna, Dhaka.
2. The Mayor, Dhaka City Corporation, City Corporation Bhaban, P.S. – Ramna, Dhaka, Bangladesh.

3. The Chief Executive Officer, Dhaka City Corporation, City Corporation Bhaban, P.S. – Ramna, Dhaka, Bangladesh.

4. The Chief Health Officer, Dhaka City Corporation, City Corporation Bhaban, P.S. – Ramna, Dhaka, Bangladesh.

5. The Officer in Charge, Lalbagh Thana, P.S. Lalbagh District- Dhaka, Bangladesh.

.....Respondents.

### **GROUND**

i. For that the article 24 of the constitution of Bangladesh has provided a provision that “ the state shall adopt measures for the protection against disfigurement, damage, removal of all monuments, objects or places or special artistic or historic importance or interest.

ii. For that the duty and responsibility vested upon the law enforcing agency to protect the religious places such as Mosque and Graveyard. The respondents are also duty bound to respect the religious aspect of the citizen. But they have failed to perform the duties and responsibility as per the law.

iii. For that the steps taken by the respondents for construction of road at the behest of the authority in power. As a result the Respondents did not act as per rule of law and ignoring the religious aspect, So it is liable to be declared illegal and void.

iv. For that the respondents took the steps in a mechanical manner, without proper application of mind, is nothing but a colorable exercise of power under the influence of local Member of Parliament and thus is illegal and without any lawful authority.

V. For that the respondents are going to be constructed a road on the land which is used as a graveyard and demarked by Dhaka City Corporation for a long time. By way of demolishing about thousands permanent and temporary graves, the respondents plan to construction a road in the Azimpur Graveyard is not only illegal but also malafide.

Wherefore, it is most humbly prayed that your Lordships would graciously be pleased to issue:-

1. A Rule Nisi calling upon the Respondents to show cause as to why the action of the respondents to construct a road in the Azimpur Graveyard by demolishing hundred of graves should not be declared illegal and without lawful

authority and Pass such other and further order or orders as may seem fit and proper to your Lordships.

2. Pending hearing of the Rule an order of statuesque may be granted upon the Respondents.

3. Make the Rule absolute upon hearing the cause if any shown by the

**Present Status**

The case was filled and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble Court passed judgment in making the rule absolute. Directions of the judgment was implemented.

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