

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

WRIT PETITION NO. \_\_\_\_\_ OF 2016.

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. M.A. Rashid Mollah son of Late Raham  
Ali Mollah & Late Shaharvanu Begum of  
House No. 33, 3 Chan Mosjid Road, Post  
Office- Ashrafbad, Kamrangirchor, Dhaka,  
Bangladesh.

.....Petitioner.

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

1. Bangladesh represented by the secretary,  
Ministry of Law, Justice & Parliamentary  
Affairs, Bangladesh Secretariat, P.S.  
Shahbag, Dhaka, Bangladesh.

2. The secretary, Ministry of Public Works,  
Bangladesh Secretariat, P.S. Shahbag,  
Dhaka, Bangladesh.

3. The Secretary, Ministry of LGRD,  
Bangladesh Secretariat, P.S. Shahbag,  
Dhaka, Bangladesh.

4. The Police Super, Laxmipur, P.O. &  
P.S.- Laxmipur, District- Laxmipur.

5. The Deputy Commissioner,  
Laxmipur, P.O. & P.S.- Laxmipur, District-  
Laxmipur.

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6. The Executive Engineer, Comilla Public Work Circle, P.O. & P.S.- Comilla, District- Comilla.

7. The Executive Engineer, Laxmipur, Public Work Circle, P.O. & P.S.- Laxmipur, District- Laxmipur.

8. The Project Director, Chief Judicial Magistrate Building Construction Project under 64 District Headquarter (1<sup>st</sup> Phase), PWD Bhaban, Segunbagicha, Dhaka.

9. The Chief Co-ordinator, Chief Judicial Magistrate Building Construction Project under 64 District Headquarter (1<sup>st</sup> Phase) of Law, Justice & Parliamentary Affairs Ministry, PWD Bhaban, Segunbagicha, Dhaka.

10. The Officer-in-Charge, Laxmipur Sadar Thana, Post Office & Police Station- Laxmipur, District- Laxmipur.

11. Advocate Abdul Nur, President, Laxmipur District Bar Association, Post and P.S. Laxmipur, District- Laxmipur.

AND

IN THE MATTER OF

Inaction and failure of the respondents to protect the government property and in preventing from constructing illegal structures at the land of Laxmipur District Judge Court Premises without permission and in violation of the provisions of Law.

AND

IN THE MATTER OF:

Direction upon the respondents to demolish the illegal structures constructed on the land situated at BS Dag No. 13504 under Mouza Banchanagar belongs to Laxmipur District Judge Court and to prevent them from doing any further construction thereon.

## **G R O U N D S**

I. For that the constructions on the land situated in B.S. Dag Nos. 13504 under Mouza Banchanagar without having any permission at all from any appropriate authority is illegal. Moreover, the authority

concerned knowing fully well the illegal acts of the respondent 11 and others are not taking any visible action against them. Hence, the inaction and failure of the respondents should be declared illegal, without lawful authority and is of no legal effect.

II. For that the respondents are under obligation to perform their duties in accordance with law. But they have totally failed to prevent encroachment of the govt land from doing their illegal constructions consistently. Hence, the inaction and failure of the respondents should be declared illegal, without lawful authority and is of no legal effect.

III. For that the property on which under the leadership of respondent no. 11 are making illegal construction is owned by Laxmipur District Judge Court. The property is under Mouza Banchanagar BS DAG no. 13504 and recorded in the name of Laxmipur District Judge Court and the office of the District Judge is paying khazna and taxes which will prove there title. But construction is going on illegally.

IV. For that the respondent No. 11 with some supporters are illegally making their constructions on the land belonging to the Laxmipur District Judge Court by using power and under such situation the local administration is silent to protect the land of the government, hence it is necessary to intervene by this Hon'ble High Court Division. If the said illegal construction somehow complete, in that case people Rule of Law would be frustrated. Hence, an interference of this Hon'ble Court is required for protecting the land of the Judiciary.

V. For that the respondents are not performing their statutory duties at the instance of a vested quarter. Hence, interference of this Hon'ble Court is required for securing ends of justice.

VI. For that as per law no construction can be made without having any permission from the appropriate authority but ignoring that construction is going on the land which is not owned by them. 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) To issue Rule Nisi calling upon the respondents to show cause as to why the inaction and failure of the respondents to protect the land of the Judiciary recorded in the name of Laxmipur District Judge Court situated under Mouza Banchanagar , B.S Dag no. 13504 in which construction is

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going on violating the provision of Law, should not be declared illegal, without lawful authority and is of no legal effect;

AND

Why a direction should not be given upon the respondents to prevent any further construction on the land belongs to Laxmipur District Judge Court and Why a direction should not given upon the respondents to demolish/evict all the structure made on the land belongs to Luxmipur District Judge Court.

b) Pending hearing of the Rule directs the respondents to take necessary steps by deploying necessary police force for preventing any further construction on the land situated under Mouza Banchanagar, B.S Dag no. 13504, Laxmipur District

c) Pending hearing of the Rule directs the respondents to maintain statuesque in respect of any further construction on the land situated under Mouza Banchanagar, , Laxmipur District, B.S Dag no. 13504.

d) And after hearing the parties and the cause shown, if any, make the Rule absolute,

e) And / or pass such other order / orders as your Lordships may deem fit and proper.

**Present Status:**

The case was filled and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble High Court Division issued Rule Nisi. Thereafter the Hon'ble Court was pleased to pass judgment and made the rule absolute with a direction to demolish construction in the land.

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