

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

WRIT PETITION NO. .... OF 2017.

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

.....Petitioner.

-V E R S U S-

1. Bangladesh represented by The Secretary, Ministry of Environment and Forest, Bangladesh Secretariat, P.S.: Ramna, District: Dhaka.

2. The Secretary, Ministry of Sports and Youth, Bangladesh Secretariat, P.S.: Ramna, District: Dhaka.

3. The Mayor, Chittagong City Corporation, Post and District- Chittagong, District- Chittagong.

4. The Director General, Department of Environment, Agargaon, Sher-E-Bangla Nagar, Dhaka, Bangladesh.

5. The Chairman, Chittagong Development Authority(CDA), CDA building p.S. Kotwali, Chitagong.

6. The Director ( Monitoring and enforcement) Department of Environment, Poribesh Bhaban, E-16, Agargaon, Sher E Banglanagar, Dhaka-1207, Bangladesh.

7. The Director, Department of Environment, Chittagong Divisional Office, Zakir Hossain Road, Khulshi Thana, Chittagong.

8. The Deputy Commissioner, Chittagong, Post and District –Chittagong.

9. The Police commissioner, Chittagong, Post and District- Chittagong.

10. The President, Chittagong Jila Kira Sangshta (CJKS), M.A. Aziz Stadium, P.S. Kotwali, Chittagong-4000.

11. The Secretary, Chittagong Jila Kira Sangshta (CJKS), M.A. Aziz Stadium, P.S. Kotwali, Chittagong-4000.

12. The Officer in charge (O.C.), Kotwali, Post and P.S- Kotwali, District- Chittagong.

....Respondents

AND

IN THE MATTER OF:

The Bangladesh Environment Conservation Act 1995 (amended in 2000 and 2002), and মহানগরী, বিভাগীয় শহর ও জেলা শহরের পৌর এলাকাসহ দেশের সকল পৌর এলাকার খেলার মাঠ, উন্মুক্ত স্থান, উদ্যান এবং প্রাকৃতিক জলাধার সংরক্ষন আইন, ২০০০ .

AND

IN THE MATTER OF:

Inaction/failure of the respondents To protect and save the Outer Stadium sports ground of Chittagong City situated at Dag no. 3519 at Kazir Deury, P.S. Kotwali, and to ensure the rights of the peoples to continue sports activities in the area which was recognized as a sports ground.

### **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 the sports ground are destroying , which is illegal.

II. For that such disregard to laws and legal provisions and failure to ensure proper implementation of laws have caused enough damage to the environment of the area and adversely affecting the rights of the people of the area for their sports activities in Outer Stadium sports ground of Chittagong City situated at Dag no. 3519 at Kazir Deury, P.S. Kotwali, District-Chittagong and as such the respondents are required to be directed to protect the sports ground in accordance with law.

III. For that under Section 5 of the মহানগরী, বিভাগীয় শহর ও জেলা শহরের পৌর এলাকাসহ দেশের সকল পৌর এলাকার খেলার মাঠ উন্মুক্ত স্থান, উদ্যান এবং প্রাকৃতিক জলাধার সংরক্ষন আইন, ২০০০, also prohibits change of the nature of any land that has been earmarked as a sports ground. As per section 8 of the Act 2000 any person who acts in contravention of the Act is liable to imprisonment not exceeding 5 years or a fine not exceeding Taka 50,000 or both. In spite of that provision of law some illegal construction is going to be implemented. Hence direction should be given to stop illegal encroachment of sports ground situated at the Outer Stadium sports ground of Chittagong City situated at Dag no. 3519 at Kazir Deury, P.S. Kotwali, District-Chittagong Wherefore, it is most humbly prayed that your Lordships would graciously be pleased to:-

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 protect and maintain the character of Outer Stadium sports ground of Chittagong City situated at Dag no. 3519 at Kazir Deury, P.S. Kotwali, District-Chittagong in an effective manner as per the provision of law.

b) Pending hearing of the rule directs the respondents to take steps within 48 hours to maintain statuesque in respect of any construction and digging within the Outer Stadium sports ground of Chittagong City situated at Dag no. 3519 at Kazir Deury, P.S. Kotwali, District-Chittagong and direct the respondent no. 7 and 10-12 to submit a compliance report through affidavit within 2 weeks before this court about the steps.

c) Upon hearing the cause if any shown makes the rule absolute.

d) Pass such other or further order or orders as your Lordships may deem fit and proper.

**Present Status:**

The case was filed and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble High Court Division issued Rule Nisi and statuesque upon the respondents. The case is pending before the Court

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