

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

WRIT PETITION ON OF
2009

IN THE MATTER OF:

An application under Article 102(2)(a)(1) 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. Major General K. M. Safiullah Bir Uttam of House No.1, Shaheed Sharani, Cantonment R/A, Dhaka, Bangladesh.
2. Professor Muntasir Mamun of House No. ,Dhanmondi Residential Area, Dhaka, Bangladesh.

.....Petitioners.

-VERSUS-

1. Bangladesh represented by the Cabinet Secretary, Cabinet Division, Prime Ministers Office, Tejgaon, Dhaka, Bangladesh.
2. The Secretary, Ministry of Housing & Public Works, Bangladesh Secretariat, P.S-Shahbag, Dhaka.
3. The Secretary, Ministry of Cultural Affairs, Bangladesh Secretariat, P.S-Shahbag, Dhaka.
4. The Secretary, Ministry of War & Liberation Affairs, Bangladesh Secretariat, P.S - Shahbag, Dhaka.
5. The Chief Engineer, Public Works Department (PWD) Shegunbagicha, Dhaka, Bangladesh.

6. The Chief Architect, Department of Architecture, Shegunbagicha, Dhaka, Bangladesh.

..... Respondents

AND

IN THE MATTER OF:

For a direction upon the respondents to adopt measures for the protection of historic importance or interest as per Article 24 of the Constitution of Bangladesh.

G R O U N D S :

I. For that disregard to provision of law and failure to ensure proper implementation of laws, caused enough damage to the history. Under these circumstances the respondents are legally bound to protect the historical places such as the place in where Bangabandhu delivered speech on 7th March and Pakistan Army Surrendered at Sorwardi Uddan the then racecourse moidan, in accordance with law.

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 the above mentioned historical places, which is illegal.

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

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

A) 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 historic importance places at Sorwardi Uddan (the then racecourse moidan) at Dhaka, where the Pakistan Army Surrendered before the Joint Command Force of Mukti Bahini and Indian Army on 16th December, 1971 and the place in Sorwardi Uddan (the then racecourse moidan) where Bangabandhu Shekih Mujibur Rahman delivered the

historic speech on 7th March, 1971 and why direction should not be given upon the respondents to form a committee to identify the above mentioned Historical places by forming a committee and then to recover to it's original position.

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

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

Present Status:

The case was moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble High Court Division issued Rule Nisi upon the respondents. After hearing the parties the Hon'ble Court passed judgment and made the rule absolute with some directions.
