

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

WRIT PETITION NO. OF 2011.

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

.....Petitioner.

-V E R S U S-

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

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

3. The Deputy Commissioner, Kurigram, Post and District –Kurigram.

4. Upazila Nirbahi Officer (UNO), Bhurungamari Police Station, P.S. Bhurungamari, District-Kurigram.

5. The Officer in charge (O.C.), Bhurungamari Police Station, P.S. Bhurungamari, District-Kurigram.

6. Mr. Sadrul Alam Babu, Head Master, Bhurungamari High School, P.S. Bhurungamari, District- Kurigram.

...Respondents.

AND

IN THE MATTER OF:

Inaction of the respondents to take legal action against the persons who are liable for cutting valuable trees and failure of the respondents for protection of environment.

G R O U N D S

I. For that disregard to laws and legal provisions and failure to ensure proper implementation of laws the respondents have caused enough damage to the environment and the country is adversely affecting. Under these circumstances the respondents are legally bound to take legal action against the persons who are liable for cutting tress at Bhurungabari, in accordance with law.

II. 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, which is illegal. Hence a direction may be given upon the respondents to take legal action against the persons who are liable for cutting tress at Bhurungamari.

III. For that the environment is being continuously endangered and threatened by various illegal activities such as cutting trees illegally Bhurungamari, Kurigram. The unauthorized activities are the main causes for environmental degradation. Taking advantage of the silence of the concern authority, the illegal activities is continuing and as a result the environmental is destroying.

IV. 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 environment and as such the respondents are required to be directed to take legal action against the persons who are liable for cutting tress at Bhurungamari, 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 inaction of the respondents to take legal action against the persons who are liable for cutting tress at Bhurungamari High School, Kurigram, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to file case against the persons who are liable for cutting tress at Bhurungamari High School, Kurigram.

C) Pending hearing of the Rule directs the respondent No. 3-6 to appear in person before this Court on 05.01.11 at 10.30 am and explain their conduct.

Present Status

The case was filed 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 was heard by the Hon'ble High Court Division and disposed of with direction.
