

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

WRIT PETITION NO. .... OF 2012.

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

2. Advocate Aklasuddin Bhuiyan, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioners.

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

1. Bangladesh represented by the Secretary, Ministry of Home Affairs, Bangladesh Secretariat , P.S.: Shahbag, District: Dhaka.

2. The Secretary, Ministry of Cultural Affairs, Bangladesh Secretariat , P.S.: Shahbag, District: Dhaka.

3. Deputy Inspector General of Police (DIG), Rangpur Range, Post and District-Rangpur, Bangladesh.

4. The Deputy Commissioner, Rangpur, Office of the Deputy Commissioner, Post and District-Rangpur.

5. The Superintendent of Police (SP), Rangpur, Post and District- Rangpur.

6. The Chairman, BKME, BKME Head Office, Dhaka, Bangladesh.

7. Mr. Abdur Razzak, the Coordinator, BKME, Pairaband Begum Rokeya Shiritikendra, P.S. Mithapukur, District- Rangpur

8. The Upazila Nirbahi Officer, Mithapukur P.S. Mithapukur, District- Rangpur

9. The Officer in Charge (O.C.), Mithapukur Police Station,- Mithapukur, District- Rangpur.

10. The Director General, Bangla Academy, Bangla Academy Bhaban, Dhaka, Bangladesh.

11. Abdulla Al Faruk, Deputy Director, Pairaband  
Begum Rokeya Shiritikendra, P.S. Mithapukur,  
District- Rangpur

.....Respondents.

### **GROUNDS**

I. For that Article 31 of the constitution of Bangladesh has provided a provision that 'to enjoy protection of law and to be treated in accordance with law and only in accordance with law' but in the case it has been violated by the law enforcing agencies.

II. For that the duty and responsibility vested upon the administration to protect the property of Begum Rokeya Shiritikendra. The respondents are also duty bound to obey the provision of law. It is the duty of the authority to perform the duties in accordance with law, but they have failed to perform the duties and responsibility as per the constitution. Hence a direction may be given to take appropriate steps to maintain the Begum Rokeya Shiritikendra for which purpose it was established.

III. For that the duty and responsibility vested upon the administration to serve the people and they are duty bound to obey the provisions of law. It is the duty of the authority to act legally but no law has been allowed them in case of such case. But the respondent has failed to perform the duties and responsibility as per the constitution.

IV. For that as per Article 21 of the Constitution of Bangladesh the duty of every public servant is to perform public duties and to observe the constitution and the laws. Under Article 31 of the constitution of Bangladesh every one is to be treated in accordance with law. According to the news report the provision of Article 21 and 31 of the Constitution of Bangladesh has been violated.

V. For that expending huge money the government established the project in the name of Begum Rokeya and also appointed some people to maintain it and operating some social educational activities. After few years due to negligence of the authority the said Begum Rokeya Shiritikendra was occupied by BKME. As per newspaper report the Shiritikendra of Begum Rokeya is grabbing by some garments businessman supported by the authority. Moreover Begum Rokeya Shiritikendra is not playing any role for which it was established. Even the appointed people lost their job and the people who come to visit at the place is not getting any information or knowledge about great women leader Begum Rokeya. Despite of that the concern authority is silent and ultimately the purpose of the set up the Begum Rokeya Shiritikendra has been frustrated. Hence a direction may be given upon the respondents to protect the Shiritikendra and protect the land of Begum Rokeya.

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 failure/inaction of the respondents to take appropriate steps to protect and maintain Begum Rokeya Shiritikendra situated at Pairaband P.S.-Mithapukur, District- Rangpur to its original form and function and why a direction should not be given upon the respondents to ensure the recovery of the property of Begum Rokeya at her birth place.

b) Pending hearing of the Rule directs the Respondent no. 7 to hand over the possession of the Begum Rokeya Shiritikendra situated at Pairaband, P.S.-Mithapukur, District-Rangpur, to the

Respondent no. 9 and 11 within 7 (seven) days and submit a compliance report before this court through affidavit within 2 (two) weeks.

c) Pending hearing of the rule directs the respondent no. 4 and 5 to supervise the Begum Rokeya Shiritikendra situated at Pairaband, P.S.-Mithapukur, District-Rangpur, so that it is maintain and function properly and submit a compliance report before this court within 4 weeks.

d) Pending hearing of the rule directs the respondent no. 4 to collect the information of the paternal land of Begum Rokeya which was inherited by her and prepare a list of the same mentioning the present status and submit before the court within 3 (three) months through affidavit.

**Present Status**

The case was filled 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 is pending before the Hon'ble High Court Division.

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