

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 it's Secretary Advocate Asaduzzaman Siddiqui, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.
2. Advocate Md. Aklas Uddin Bhuiyan Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka and 3 Agamashi Lane, P.S.: Kotwali, Dhaka.
3. Advocate Mahbubul Islam, Son of Md. Mofijuddin, Secretary General, Society of Justice, of Hs LA-56, Badda, Post Office Road, Gulshan, Dhaka 1212, Bangladesh.

.....Petitioners.

-VERSUS-

1. The Secretary, Ministry of Power, Energy & Mineral Resources Energy & Mineral Resources Division, Building No. 6 (1st Floor), Bangladesh Secretariat, P.S.: Shahbag, District: Dhaka.
2. The Secretary, Ministry of Finance, Bangladesh Secretariat, P.S.: Shahbag, District: Dhaka.
3. The Chairman, Bangladesh Oil, Gas & Mineral Corporation, (PETROBANGLA) Motijheel, Dhaka, Bangladesh.
4. The Managing Director, Gas Transmission Co. Ltd., Red Crescent, Borak Tower, Eskaton, Dhaka, Bangladesh
5. The Managing Director, Titas Gas Transmission & Distribution Co. Ltd., Kowranbazar, Dhaka, Bangladesh.
6. The Managing Director, Bakhrabad Gas System Ltd. Chapapur, PO Box No. 97, Comilla, District-Comilla.
7. The Anti-Corruption Commission represented by its Chairman, ACC Head Office Segunbagicha, Dhaka, Bangladesh.

.....Respondents.

AND
IN THE MATTER OF:

Failure of the respondents to take appropriate steps to stop and control illegal Gas connection to the consumers and failure to prevent illegal Gas distribution at different cities of the country.

GROUNDS

I. For that the persons involved in giving illegal Gas connection by a group of corrupted officials of the Government. Those persons have not only acted against the Government Order of prohibition on providing Gas connection, but also against the public interest. Their these sort of involvement is not only serious misconduct but also violative to provision of law, therefore steps immediately need to be taken against them.

II. For that duty and responsibility vested upon the administration to serve the people and they are duty bound to obey the provisions of law. 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. It is the duty of the public servant to act legally but no law has been allowed them to do anything in an unlawful manner. But the respondent has failed to perform the duties and responsibility.

III. For that illegal Gas connection is causing serious Gas crisis throughout the country; therefore direction from the Hon'ble High Court Division may given upon the respondents to stop this illegal Gas connection.

IV. For that illegal Gas use of Gas is causing serious sufferings to the valid users creating want of sufficient Gas supply ; therefore direction from the Hon'ble High Court Divison may given upon the respondents to stop and this illegal use of Gas.

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 the illegal Gas connection as reported in the news items (ANNEXURE-A) 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 take immediate steps to stop all illegal gas connection to the customers in different cities of the country

AND

Why a direction should not be given upon the respondents to take appropriate legal action against the officers/employers who are liable for illegal Gas connection to the customers at different cities of the country.

b) Pending hearing of the rule directs the respondent no. 1-3 to form an 6 members expert committee consisting of high officials of their each office to investigate the allegation of illegal gas connection which was given violating the

government instructions and also find out the officers/employers who are liable for this and submit the report in details before this court within four weeks

c) Pending hearing of the rule directs the respondent no. 5 and 6 to submit a report to the court within four weeks about consumption of gas and total gas connection to the customers before 13.07.2010 and consumption of gas and total gas connection to the customers at present, in Dhaka and Chittagong City,

d) Pending hearing of the rule directs the respondent no. 5 and 6 to take immediate steps to stop further gas connection to the customers till withdraw the decision of the government for not giving any gas connection to the customers and submit a compliance report within 1 (one) week before this court.

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.
