

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

WRIT PETITION NO. .... OF 2018.

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:

Human Rights and Peace for Bangladesh (HRPB), represented by Advocate Ripan Barai, Son of Late Manohar Barai of 31 Central Road, P.S-New market, Dhaka 1205, Bangladesh and 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 Housing and Public Works, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.
2. The Chief Executive Officer, Dhaka North City Corporation, Nagar Bhaban, Gulshan Center Point, Plot No# 23-26, Road No# 46, Gulshan-2, Dhaka-1212.
3. The Chairman, Rajdhani Unnayan Kartripakhya, (RAJUK) Rajuk Bhaban, Rajuk Avenue, Dhaka 1000, Bangladesh.
4. The Police Commissioner, Dhaka Metropolitan Police, 36 Minto Road, Dhaka. Bangladesh
5. The Officer in Charge (O.C.), Hatirjhill Police Station, Dhaka Metropolitan Police, Dhaka, Bangladesh.
6. The Project Director (SWO-West), Hatirjhill Samonnito Unnayan Shirsak

Prokalpo, Mahanagar Army Camp,  
Rampura, Dhaka.

7. The Project Director, Hatirjhill  
Samonnito Unnayan Shirsak Prokalpo,  
Local Government Engineering Department,  
Level-5, LGED Bhaban, Agargaon, Shere  
Bangla Nagar Dhaka-1207.

.....Respondents.

AND  
IN THE MATTER OF:

Article 21, 31 and 36 of the Constitution of  
Bangladesh.

AND  
IN THE MATTER OF:

Failure/inaction of the respondents to protect  
Hatirjhill-Begunbari Project as per its  
original plan resulting in developing some  
unauthorized establishments beyond project  
plan.

## **GROUND S**

I. For that the duty and responsibility vested upon the administration to perform the duties for the people. The respondents are also duty bound to obey the provision of law. It is the duty of an officer of the republic to perform the duties in accordance with law, but they have failed to perform the duties and responsibility as vested upon them. Hence respondents may be directed to take necessary and immediate steps to keep as well as protect Hatirjhill-Begunbari Project in its original plan for the purpose it was set up.

II. For that Hatirjhil-Begunbari Project is a huge project of billions of taka, set up for the common people for getting recreation and amusement out of their day-to-day life. But due to failure of the respondents, there have been developed some illegal and unauthorized sets ups at the project which are not established in accordance with project plan of Hatirjhill. That this illegal set ups diminish the aesthetic value of the Hatirjhil Project by its all means. Hence, it attracts intervention by Your Lordships for the ends of justice.

III. For that a list of illegal establishments at the project site was given to RAJUK but it did not take any steps against them excepting holding a meeting, which ultimately promotes illegal activities at project site by some vested quarters. That the activities of the owners/employees of illegal sets up restricts the free movement of

people at the lake side and they also pollute the project-lake-water by dumping garbage into it from their restaurants, which eventually pollutes environment at the project site. So, Your Lordships may pass necessary orders in this regards.

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 protect the Hatirjhill-Begunbari Project as per it's original lay out plan, should not be declared illegal and without lawful authority.

And

Why a direction should not be given upon the Respondents to stop establishing any set ups violating the project lay out plan within the said project site in future.

b) Pending hearing of the Rule direct the Respondent No.3-6 to take immediate steps to evict/demolish all unauthorized establishments/ restaurants (as reported in media as of annexure-A) built not in accordance with the project plan, within 48 hours and submit a compliance report within 2(two) week before this court.

c) Pending hearing of the Rule directs the Respondent No. 3-5 to monitor the Hatirjheel project area regularly so that no one can set up any establishment violating the lay out plan.

### **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 was heard and judgment passed in making the rule absolute.

-----