

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

WRIT PETITION NO. _____ OF 2014

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.

..... Petitioner.

-V E R S U S-

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

2. Inspector General of Police (IGP), Police Head Quarter Bhaban, Ramna, Dhaka, Bangladesh.

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

4. The Superintendent of Police (SP), Lalmonirhat, Post and District- Lalmonirhat.

5. The Officer in Charge (O.C.), Patgram Police Station, P.S. Patgram, District-Lalmonirhat.

6. Rabiul Islam Miran of village: Rasulpur of Bawra Union, PS: Patgram, Lalmonirhat.

7. Nazrul Islam of village Rasulpur of Bawra Union, PS: Patgram, Lalmonirhat.
..... Respondents.

AND

IN THE MATTER OF:

Inaction of the law enforcing agencies to take appropriate legal steps against the land grabbers at Rasulpur, P.S. Patgram, District-Lalmonirhat, who has violated the provision of law and failure of the law enforcing agencies to perform their duties as vested upon them under Article 21 and 31 of the Constitution of Bangladesh and direction to ensure the safety of the Hindu Citizens in the locality as well as the right to property.

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 persons and property of any citizen of the country. The respondents are also duty bound to obey the provision of law. It is the duty of and officer 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 as per law.
- 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 and officer to act legally but no law has been allowed him to treat the citizen in an unlawful manner. But the respondents have 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 as per the Article 42 of the Constitution of Bangladesh has guaranteed the right to property to every citizen for which the respondents have obligation to protect that rights, which has been violated.

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 inaction of the respondents to take appropriate legal steps against the land grabbers at Rasulpur, Patgram, Lalmonirhat, should no be declared illegal and without lawful authority and why a direction should not be given upon the respondents to ensure the safety of the Hindu Citizens in the locality as well as protection of the right to property of Hindus in the locality and to perform their duties as vested upon them under Article 21 and 31 of the Constitution of Bangladesh.

b) Pending hearing of the Rule and order may be passed directing the Respondents nos. 5-7 to be present on 03.04.14 at 10.30 am before this Court and explain their conduct about the matter and directing the respondent No. 5 about the failure to take legal action against the land grabbers.

c) Pending hearing of the rule direct the respondent no. 2 form and inquiry committee to investigate the matter published in the newspaper: "The Daily Star" on 02.03.2014 and submit a report before this Court within 30 (thirty) days.

d) Pending hearing of the rule direct the respondent no. 4 to ensure arrest of the accused within 48 hours and file affidavit in compliance with thereof within 7 days.

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

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

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