

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

WRIT PETITION ON ..... 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 the Secretary of the Executive Committee Asaduzzaman Sddique, Advocate, Supreme Court of Bangladesh, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

2. A. K.M. Shawkot Uddin (Rentu), Convener, Human Rights and Peace for Bangladesh (HRPB), Rajshahi Unit, Son of: Late Alhaj Alauddin Mia of House No: 695, Mohish Bathan Uttorpara, P.O: Rajshahi Court, P.S. & Dist: Rajshahi Bangladesh.

.....Petitioners.

**-VERSUS-**

1. Bangladesh represented by the Secretary, Ministry of Environment, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.

2. The Mayor, Rajshahi City Corporation, Post and District: - Rajshahi Bangladesh.

3. The Director General, Department of Environment, Paribesh Bhaban, E-16, Sher-E

Bangla Nagar, Agargaon, Dhaka.

4. The Director, Environment Directorate, Rajshahi, P.O. & Police Station- Rajshahi, Bangladesh.
5. The Deputy Director, Environment Directorate, Rajshahi, P.O. & Police Station- Rajshahi, District-Rajshahi, Bangladesh.
6. The Chairman, Rajshahi Development Authority (RDA), Rajshahi, Bangladesh.
7. The Deputy Commissioner, Rajshahi, Post and District- Rajshahi.
8. The Police Commissioner, Rajshahi Metropolitan Police, RMP Head quarter, Post and P.S.- Rajshahi, Bangladesh.
9. Md. Enamul Huque, Member of Parliament, Rajshahi-4, Bagmara, Rajshahi.
10. Mr. Manjur Faruque Chowdhury, Sagorpara, Post-Rajshahi, District-Rajshahi.

..... Respondents

AND

IN THE MATTER OF:

The Bangladesh Environment Conservation Act 1995 (amended in 2000 and 2002), and মহানগরী, বিভাগীয় শহর ও জেলা শহরের পৌর এলাকাসহ দেশের সকল পৌর এলাকার খেলার মাঠ উন্মুক্ত স্থান, উদ্যান এবং প্রাকৃতিক জলাধার সংরক্ষন আইন, ২০০০.

AND

IN THE MATTER OF:

For a direction upon the respondents to stop encroachment and earth filling of ponds situated at Sagorpara and others ponds situated in Rajshahi City area violating the provisions of law.

**G R O U N D S -**

I. 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 and by way of violating the provision of law plan of earth filling, encroachment in ponds is going to be implemented, which is illegal.

II. For that the environment is being continuously endangered and threatened by various illegal activities such as filling up of the ponds in Rajshahi. The main causes for environmental degradation are unauthorized filling up, building structures in the ponds/rivers around the country.

III. 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 life of the people of the area and as such the respondents are required to be directed to protect the ponds in Rajshahi in accordance with law.

IV. For that some greedy people are trying to implement some commercial and profitable projects using the ponds and vacant places and so they are earth-filling the ponds, which is illegal.

V. For that under Section 5 of the “মহানগরী, বিভাগীয় শহর ও জেলা শহরের পৌর এলাকাসহ দেশের সকল পৌর এলাকার খেলার মাঠ উন্মুক্ত স্থান, উদ্যান এবং প্রাকৃতিক জলাধার সংরক্ষন আইন, ২০০০, also prohibits change of the nature of any land that has been earmarked as a natural reservoir. As per section 8 of the Act 2000 any person who acts in contravention of the Act is liable to imprisonment not exceeding 5 years or a fine not exceeding Taka 50,000 or both. In spite of that provision of law the people in Rajshahi are earth-filling the ponds and the respondents are not taking proper legal steps against them. Hence direction should be given to stop earth filling in the ponds and remove earth from those ponds already earth-filled as mentioned above and.

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 a direction should not be given upon the respondents to stop encroachment and earth filling in the ponds situated in Rajshahi City area and why a direction should not be given upon the respondents to remove sand/earth filling from the pond situated at

Sagorpara, Rajshahi and why a direction should not be given upon the respondents to protect all the ponds in Rajshahi City area in an effective manner.

b) Pending hearing of the rule directs the respondents to 2, 4, 5 and 6-8 to take immediate steps to stop encroachment/earth filling in the ponds situated in Rajshahi City area violating the provision of law and file a compliance report within 2 weeks through affidavit before the court.

b) Pending hearing of the rule directs the respondents 9 and 10 to maintain statuesque in respect of encroachment/earth filling within the ponds and file a compliance report within 2 weeks through affidavit before the court.

c) Pending hearing of the rule directs the respondents 4, 5, and 7 to submit a list of ponds situated at Rajshahi City area as per record stating the present status, within 1 months before this court.

c) Direct the office to serve notices upon the respondents at the cost of office.

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

e) 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. After hearing the parties the Hon'ble High Court Division was pleased to made the rule absolute.