

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 Peoples 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 its Secretary, Advocate Asaduzzaman Siddique, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioner.

-VERSUS-

1. Bangladesh represented by the Secretary, Ministry of L.G.R.D Bangladesh Secretariat, P.S.- Ramna, District- Dhaka.
2. The Administrator, Dhaka City Corporation, City Corporation Bhaban, P.S- Ramna, Dhaka, Bangladesh.
3. The Chief Executive Officer (CEO), Dhaka City Corporation, Nogar Bhaban, Fulbaria, Dhaka.
4. The Chief Engineer (Planning), Dhaka City Corporation, Nogar Bhaban, Fulbaria, Dhaka.
5. The Revenue Officer, Dhaka City Corporation, Zone-1, Sayadabad, Dhaka.

6. The Deputy Commissioner of Dhaka, Collectorate Building, Kotwali, Dhaka.

7. The Officer in Charge, Sutrapur, P.S.- Sutrapur, Dhaka, Bangladesh.

.....Respondents.

AND

IN THE MATTER OF:

Enforcement of Fundamental Rights as guaranteed under Article 31 and 41 of the Constitution of Bangladesh.

AND

IN THE MATTER OF:

Illegal encroachment of the land of Brahmanchiron Graveyard, Dholpur, Dhaka and illegal construction of 2 (two) multi-storeyed buildings, rickshaw garage and one under construction multi-storeyed building within the said graveyard by destroying hundreds of graves.

GROUNDS

I. For that the article 24 of the constitution of Bangladesh has provided a provision that “the state shall adopt measures for the protection against disfigurement, damage, removal of all monuments, objects or places of special artistic or historic importance or interest. Hence the inaction by the respondent and illegal encroachment of the land of graveyard and constructions constructed within the said graveyard by the land grabbers and other influential persons may be declared illegal and without lawful authority.

II. For that the duties and responsibilities vested upon the law-enforcing agencies to protect the religious places such as Mosques and Graveyards. The respondents are also duty bound to respect the religious aspects of the citizens. But they have failed to perform their duties and responsibilities as per the law.

III. For that the steps taken by the land grabbers and some other influential persons for construction of multi-storeyed buildings and rickshaw garage at the behest of the authority in power. As a result the

respondents did not act as per rule of law and ignoring the religious aspect, so it is liable to be declared illegal and void.

IV. For that the respondents took the steps in a mechanical manner to construct multi-storeyed buildings and rickshaw garage in the land of graveyard, without proper application of mind and is nothing but a colorable exercise of power and corruption under the influence of influential personnel and business mans and thus is illegal and without any lawful authority.

V. For that the construction of multi-storeyed buildings and rickshaw garage on the land which is used as a graveyard and demarked by Dhaka City Corporation for a long time. By way of demolishing about hundreds permanent and temporary graves, some influential persons constructed multi-storeyed buildings and rickshaw garage on the concern land of Brahmanchiron Graveyard situated in Dholpur, Sutrapur, Dhaka is not only illegal but also malafide.

Wherefore it is most humbly prayed that your Lordships would graciously be pleased to -

a) Direct the office to register this application as a writ petition.

b) Issue a Rule Nisi calling upon the Respondents to show cause as to why the constructions on the land situated in Brahmanchiron Graveyard, Dholpur, Dhaka, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to demolish/evict the constructions built on the graveyard land and why a direction should not be given upon the respondents to protect and maintain the Brahmanchiron Graveyard as per the plan of the Dhaka City corporation..

c) Pending hearing of the rule directs the respondents to maintain statuesque in respect of any further construction on the land in Brahmanchiron Graveyard situated in Dholpur, P.S Sutrapur, Dhaka and direct the respondent no. 2 and 7 to take all steps to maintain statuesque in respect of further construction and file a compliance report before this court within 3 weeks.

- d) Pending hearing of the rule directs the respondent no. 2 and 4 to submit the relevant papers/document and plan of the Dhaka South City Corporation of the Brahmanchiron Graveyard situated in Dholpur, P.S Sutrapur, Dhaka, within 3(three) weeks before this court.
- e) Direct the office to serve notices upon the respondents at the cost of office.
- f) Make the Rule absolute upon hearing the cause if any shown by the Respondent.
- g) And pass such other and further order and/or orders as may seem fit and proper to your Lordships.

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.