

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:

1. Human Rights and peace for Bangladesh (HRPB), represented by its Organizing Secretary Advocate Md. Sarwar Ahad Chowdhury, Hall Room No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioner.

-V E R S U S-

1. Bangladesh, represented by the Secretary, Ministry of Road Transport and Bridge, Bangladesh Secretariat, P.S.: Ramna, District: Dhaka.
2. The Secretary, Ministry of Environment and Forest, Bangladesh Secretariat, P.S.: Ramna, District: Dhaka.
3. The Director General, Department of Environment, Agargaon, Sher-E-Bangla Nagar, Dhaka, Bangladesh.
4. The Chief Engineer, Roads and Highway Department, Shorok Bhaban, Tejgaon, Dhaka-1208, Bangladesh.
5. The Deputy Commissioner, Jessore, Post and District –Jessore.
6. Upazila Nirbahi Officer (UNO), Benapole Police Station, P.S. Benapole, District-Jessore.

7. The Officer in charge (O.C.), Benapole Police Station, P.S. Benapole, District-Jessore.

....Respondents.

AND

IN THE MATTER OF:

Inaction and failure of the respondents to take steps as per the provisions of 18A of the Constitution of Bangladesh and Provisions of the Environment Law to save the life of hundred of trees situated within the Jessore-Benapole Road.

GROUNDS

I. For that disregard to laws and legal provisions and failure to ensure proper implementation of laws the respondents are going to be caused enough damage to the environment and the country may adversely affecting. Under these circumstances the respondents are legally bound to take steps against cutting trees at Jessore-Benapole Road, in accordance with law.

II. 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, which is illegal. Hence a direction may be given upon the respondents to take steps to save trees at Jessore-Benapole Road.

III. For that the environment is being continuously endangered and threatened by various illegal activities such as cutting trees illegally. The unauthorized activities are the main causes for environmental degradation. Taking advantage of the silence of the concern authority, the illegal activities is continuing and as a result the environmental is destroying.

IV. For that such disregard to laws and legal provisions and failure to ensure proper implementation of laws may caused enough damage to the environment of the area and adversely affecting the environment and as such the respondents are required to be directed to take steps to save the life of hundred trees and the project implementation may be continued in alternative way, in accordance with law.

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

a) A Rule Nisi calling upon the Respondents to show cause as to why inaction and failure of the respondents to take steps as per the provisions of 18A of the Constitution of Bangladesh and Provisions of the Environment Law to save the life of hundred of trees situated within the Jessore-Beapole Road, should not be declared illegal and without lawful authority ;

AND

Why a direction should not be given upon the respondents to revise the plan of 4 lane road construction project by way of finding out the alternative way in saving the hundred of trees situated at Jessore-Benaploe Road .

b) Pending hearing of the rule direct the respondents to maintain statuesque in respect of cutting/demolishing of trees at Jessore-Benapole road.

c) Pending hearing of the rule directs the respondent no. 2 to form a 5 members committee within 7 days consisting of 1 member form the respondent no. 1 office, one member from the D.G Environment office, two environment expert and a Professor/Associate Professor of Dhaka/Jahangirnagar University Environment department and obtain a report how to save the trees but implementing the 4 lane project and submit the report before this court within 30 days.

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.
