

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

WRIT PETITION NO.2340 OF 2011

In the matter of:

An application under Article 102 of the Constitution of the People's Republic of Bangladesh.

And

In the matter:

Human Rights and Peace for Bangladesh (HRPB), represented by its Secretary Advocate Asaduzzaman Siddiqui, Hall No.2, Supreme Court Bar Association Bhaban, Dhaka and others

.....Petitioners.

-Versus-

The Secretary, Ministry of Power, Energy and Mineral Resources Energy and Mineral Resources Division, Building No.6 (1st Floor), Bangladesh Secretariat, PS-Shahbag, District-Dhaka and others

.....Respondents.

Mr. Manzill Murshid, Advocate

.....For the petitioners.

Dr. Kazi Aktar Hamid, Advocate

.....For the respondent No.5.

Heard on:18.11.2015

And

Judgment on: 24.11.2015

Present:

Mr. Justice Obaidul Hassan

And

Mr. Justice S.H. Md. Nurul Huda Jaigirdar

Obaidul Hassan, J.

On an application under Article 102 of the Constitution of the People's Republic of Bangladesh relating to public interest litigation as filed by the petitioners, this Rule was issued on the following terms:

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why a direction should not be given upon the respondents to take appropriate steps to supply necessary gas to the household gas line in Dhaka City and as to why a direction should not be given upon the respondents to set up a compressor at Ashugonj point, Brahmanbaria in order to increase the gas pressure in the gas pipe line in Dhaka City, and/or such other or further order or orders passed as to this Court may seem fit and proper.”

Mr. Manzill Murshid, the learned advocate appearing on behalf of the petitioners came to the Court with an application submitting that the residents of Dhaka City and surrounding areas are suffering for want of sufficient gas supply and in their day to day life they are facing immense trouble; they couldn't even cook their food. He further submitted that in order to increase the gas supply in the gas pipeline a compressor needs be setup at Ashugonj point but the government has taken step to set it up Bibiyana gas field and not at Ashugonj and as such the respondents need to be directed to setup a compressor at Ashugonj to facilitate the smooth gas supply to Dhaka. After hearing the submissions, the Rule issuing Court issued the above mentioned Rule.

Today when the matter was taken up for hearing, Dr. Kazi Aktar Hamid, the learned advocate appearing on behalf of the respondent No.7 filed an affidavit in opposition in which it has been stated that a compressor station having three unit GTC package with the compression capacity of 1500 mmscfd of gas has already been constructed in the Gas Transmission Grid Pipeline system at Ashugonj, Brahmanbaria in a bid to increase transmission capacity of the system by increasing transmission pipeline pressure at different delivery pipelines heading towards different parts of the country under good management of respondent No.5. The station is now at the commissioning stage and will become operative shortly after the completion of all sorts of remaining activities related to commissioning.

This affidavit in opposition was sworn on 08.04.2015, Dr. Kazi Aktar Hamid apprised the Court that by this time the compressor had come into operation. He further submitted that the respondent No.5 had also been implementing many pipeline construction projects, such as, Bibiyana-Dhanua (B-D) 36 inch gas

pipeline project, the biggest ever pipeline project of the country, Ashugonj-Bakhrabad (A-B)30 gas pipeline project, Veramara-Khulna(V-K) 30 inch gas pipeline project etc. He also informed the Court that Ashugonj, Brahmanbaria station has been operating.

Mr. Manzill Murshid, the learned advocate submitted that since the government has already complied the demand of the general people who suffered a lot for lack of supply of gas in their household in the past, no grievance remains anymore on the part of the city dwellers of Dhaka.

We have gone through the writ petition, affidavit in opposition and considered the submissions of the learned advocates of both sides. We are of the view that the reason for which Mr. Manzill Murshid was anxious about, it has already been remedied by the respondents and they have setup compressor in Ashugonj and other parts of the country as well. The condition of gas supply has been significantly improved for the purpose of household uses to the dwellers of Dhaka city. Since the grievance of the petitioner has already been remedied, we are of the view that it would be justified, if we dispose of the Rule with some directions.

Thus, we direct the respondents to keep up their effort and to maintain good supply of gas pressure in a proper measure so that the dwellers of Dhaka city and other parts of the country do not suffer for lack of proper pressure of gas anymore.

With the above direction, the Rule is disposed of.

Let a copy of this judgment be communicated at once.
