

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

**WRIT PETITION NO. 12793 OF 2012**

IN THE MATTER OF:

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

-AND-

IN THE MATTER OF:

**Human Rights and Peace for Bangladesh and another.**

.....Petitioners

- Versus -

Bangladesh represented by the Secretary, Ministry of Environment, Bangladesh Secretariat, Dhaka and others.

.....Respondents

**Mr. Manzill Murshid, Senior Advocate**

.....For the Petitioners

**Mr. Munirujjaman, Advocate**

.....For the Respondent No.2

**Mr. Md. Anichur Rahman Khan, D.A.G**  
with

Mr. Sultan Mahmood Banna, D.A.G with

Mr. Mir. Moniruzzaman, A.A.G with

Mr. Md. Sarwar Alam Khan, A.A.G

.....For the Respondents Government

Heard on 23.10.2025, 30.10.2025 and  
03.11.2025

**Judgment delivered on 12.11.2025**

Present:

**Mr. Justice Md. Shohrwardi**

**And**

**Mr. Justice Dihider Masum Kabir**

**Dihider Masum Kabir,J:**

On an application filed under Article 102 of Constitution of the People's Republic of Bangladesh, the Rule was issued on 26.09.2012 in 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 protect and maintain the character of central sports ground of the Dhaka University in an effective manner as per provision of law and/or pass such other or further order or orders as to this Courts may seem fit and proper.”

At the time of issuance of the Rule the following direction was also made:

“The respondent Nos. 2-5 are directed to remove the construction material from the Dhaka University sports ground and to ensure the rights of the Dhaka University students to continue sports activities in the area which was officially recognized as central sports ground of the Dhaka University within 48 hours and submit a compliance report through affidavit within two weeks before this Court from the date of receipt of this order.”

Relevant facts leading to the Rule are that the petitioners on reading the headline in daily paper “দৈনিক ইনকিলাব”, তারিখ ২৪ সেপ্টেম্বর ২০১২” চাৰিতে মাঠ থাকলেও খেলার সুযোগ পাচ্ছেন না শিক্ষার্থীরা, sub head line কেন্দ্রীয় মাঠকে ব্যবহার করে দীর্ঘদিন ধরে রমরমা বাণিজ্য চালিয়ে যাচ্ছে দুটি কন্সট্রাকশন ফার্ম and also on reading of the details, filed this instant writ petition through the Human Rights and Peace for Bangladesh (HRPB) in the form of Public Interest Litigation (PIL) seeking direction for performing the duties and responsibilities as vested upon the authority of the University of Dhaka to protect and maintain the character of central sports ground of the University of Dhaka and also to remove the construction material from the central sports ground of the University of Dhaka and to ensure the rights of the students to continue sports activities in the area of which is officially recognized as central sports ground of the University of Dhaka.

The petitioner filed a supplementary affidavit on 02.11.2025 stating that at the time of filing of the instant writ petition, Shaheed Sergeant Zahurul Haque Hall playground, Jagannath Hall playground, Haji Muhammad Mohsin Hall playground, Kabi Jashim Uddin Hall playground, Fazlul Huq Muslim Hall playground, Dr. Muhammad Shahidullah Hall playground and Rokeya Hall playground were not included. The authority of the University of Dhaka is mainly responsible for protecting and maintaining the above all playgrounds.

Learned senior Counsel Mr. Manzill Murshid appearing on behalf on the petitioners submits that by way of illegal occupation and violating the provisions of law, some construction companies are using the sports ground of the University of Dhaka by which the normal existence of play ground will be threatened as well as environment will be seriously affected and as it involves great public importance, this petition is filed as Public Interest Litigation (PIL). A step to encroach the sports ground

of the University of Dhaka is illegal and it is continuing due to silence of the authority and the students are depriving from their regular sports activities. Mr. Murshid further submits that central sports ground and others playgrounds/sports grounds of the University of Dhaka should be protected and maintained in an effective manner as per section 5 of the “মহানগরী, বিভাগীয় শহর ও জেলা শহরের পৌর এলাকা সহ দেশের সকল পৌর এলাকার খেলার মাঠ, উন্মুক্ত স্থান, উদ্যান এবং প্রাকৃতিক জলাধার সংরক্ষণ আইন, ২০০০”।

Although the Respondents did not file any affidavit-in-opposition, learned Counsel Mr. Munirujjaman filed power on behalf of the Respondent No.2, the Vice Chancellor, University of Dhaka and submits that the authority of University of Dhaka is protecting and maintaining the playgrounds of Dhaka University with due care and attention.

We have considered the submissions of the Learned Counsel Mr. Manzill Murshid for the petitioners and Learned Counsel Mr. Munirujjaman for the Respondent No.2 and perused the writ petition, supplementary affidavit filed by the petitioners and the records.

At the outset it is noted that within the campus area of the University of Dhaka, there are total 08 (eight) playgrounds/sports grounds for the students but the petitioner sought rule and direction only for the central playground of the University of Dhaka. The petitioners claimed that it receives no fund from abroad or from any citizen of the country except the lawyer members and that due to present high volume of cases it is not possible to bear the cost of the cases filed before the Hon’ble High Court Division as Public Interest Litigation (PIL).

On perusal of the writ petition and supplementary affidavit filed by the petitioners it reveals that playgrounds/sports grounds are necessary for the university students for promoting their physical and mental well-being, gives a space for stress relief, social interaction and a break from academic pressure. Playground provides opportunities for physical activity with fresh air which is required to maintain a healthy lifestyle and to relieve stress and anxiety quickly that can help to reduce negative emotions and improve overall mood. Through the playground, the students create a space for unstructured interaction, where they can develop social skill and learn how to co-operate each other and also to build relationships outside the formal setting.

Playgrounds ultimately help the students for developing intellectual capabilities and thinking processes, including perception, memory, problem solving and decision making. And also generate new and original ideas imagination and find unconventional solutions to the problems. That allows the students for new skills and challenges that also increase self-confidence and self-esteem.

The students of the University of Dhaka always raise their voices against various issues using the platforms both on campus and in wider context of the country. Historically the students of the University of Dhaka had a great role in shaping the democracy and good governess of the country particularly in various historical moments. Key areas where the University community raises its voice on campus include student welfare, academic and ethical issues, institutional governance and policy, funding and resources. But the students of the University of Dhaka did not raise their voices to protect and maintain the central play ground which is very essential for them. Even, they had not taken any initiative for illegal encroachment of the playground by the two construction companies.

On the other hand, the petitioners who are the lawyers of this Court filed this instant writ petition relying on news published in a daily newspaper. At the time of hearing learned Senior Counsel Mr. Manzill Murshid frankly speaks that presently, there is no construction material on the central sports ground of the University of Dhaka which shows that the direction of this court at the time of issuance of the Rule has been complied with by the respondents.

At this stage, it is relevant here to quote the sections 5 and 8 of “মহানগরী, বিভাগীয় শহর ও জেলা শহরের পৌর এলাকাসহ দেশের সকল পৌর এলাকার খেলার মাঠ, উন্মুক্ত স্থান, উদ্যান এবং প্রাকৃতিক জলাধার সংরক্ষণ আইন, ২০০০”।

**৫। খেলার মাঠ, উন্মুক্তস্থান, উদ্যান ও প্রাকৃতিক জলাধারের শ্রেণী পরিবর্তনে বাধা নিষেধ ।**  
এই আইনের বিধান ব্যতীত খেলার মাঠ, উন্মুক্ত স্থান, উদ্যান প্রাকৃতিক জলাধার হিসাবে চিহ্নিত জায়গার শ্রেণী পরিবর্তন করা যাবে না বা উক্ত রূপ জায়গা অন্য কোনভাবে ব্যবহার করা যাবে না বা অনুরূপ ব্যবহারের জন্য ভাড়া, ইজারা বা অন্য কোনভাবে হস্তান্তর করা যাবে না।

**৮। শাস্তি ইত্যাদি-**

(১) কোন ব্যক্তি এই আইনের কোন বিধান লঙ্ঘন করলে তিনি অনধিক ৫ বছরের কারাদন্ডে বা অনধিক ৫০ (পঞ্চাশ) হাজার টাকা অর্থদন্ডে অথবা উভয় দন্ডে দন্ডনীয় হবেন ।

On a plain reading of the above provisions of law, we have found that playground, open space, park and natural water reservoir of all municipal area of Metropolitan city, Divisional town and District town including all municipal areas of the country which are earmarked shall not be used other ways changing the nature or classes of the land except the provisions of the Act, 2000. It shall not be rented, leased or handed over for any other uses. Everyone is obligated to obey and maintain the provision of section 5 of the Act, 2000 failing which section 8 prescribes punishment for the contravention of the Act, 2000.

In the above facts and circumstances of the case, we are of the view that sports grounds are very essential for the students that have been discussed elaborately earlier. Hence, we are inclined to direct the respondents to protect and maintain the character of central sports ground of the University of Dhaka in an effective manner as per law.

We also observe that all the playgrounds/sports grounds of University of Dhaka should be protected and maintained by the authority of the University of Dhaka in an effective manner as per law.

In the result, the Rule is made absolute with the above observation. There is no order as to costs.

Office is directed to communicate this judgment and order to the respondents.

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