

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

WRIT PETITION NO. 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:

Public Interest Litigation (PIL).

AND

IN THE MATTER OF:

1. Human Rights and Peace for Bangladesh (HRPB), represented by it's Secretary, Advocate Asaduzzaman Siddiqui, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.
2. Advocate Aklas Uddin Bhuiyan, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioners.

-V E R S U S-

1. Bangladesh represented by The Secretary, Ministry of Planning, Sher E Bangla Nagar, P.S. Agargaon, Dhaka, Bangladesh.
2. The Secretary, Ministry of Finance, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.
3. The Secretary, Ministry of LGRD, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.
4. The Anti Corruption Commission (ACC) represented by it's Chairman, Head Office, Segunbagicha, P.S. Ramna, District-Dhaka.
5. The Chief Engineer, LGED, LGED Bhaban, Sher E Bangla Nagar, P.S. Agargaon, Dhaka, Bangladesh.
6. Md. Shahidul Hasan, Former Chief Engineer, LGED, LGED Bhaban, Sher E Bangla Nagar, P.S. Agargaon, Dhaka, Bangladesh.
7. Mr. Tanzid Sarwar, Project Director, The Chief Engineer, LGED Directorate, LGED Bhaban, Sher E Bangla Nagar, P.S. Agargaon, Dhaka, Bangladesh.

.....Respondents.

GROUND S

- I. For that due to the corrupt practise of some officials the respondents have failed to perform the duty which is entrusted to them as a officer of the republic.

Thus this court is under obligation to restrain such corrupt practise and declare these illegal and unlawful.

II. For that the Article 31 provides the right to protection of law. Which means irrespective of race, colour, ethnic origin, social status and economical status all citizens of this Republic is entitle to acquire protection and to obtain justice, from the judiciary. However, due to the corrupted practise of some officers the authority has failed to maintain its unbiased image before the common people, which has not only destroyed the trust and reliance of common people but also lost the people fund. Thus this court should declare these concern activity illegal and take appropriate steps against the responsible officials as per the applicable law.

III. For that the Article 44 of the Constitution provides the duty to this Hon'ble High Court to enforce the fundamental rights guaranteed by Constitution. Thus undoubtedly this court is under duty by the authority of the Constitution to declare the corrupt activity of the officials of administration illegal and should take appropriate steps against the responsible persons.

IV. For that under Article 21 of the constitution the respondents and concern officials of the administration are duty bound at all time to serve the people and to perform the public duties. Nevertheless, they have failed to do their duty because they have failed to take steps as per the provisions of law in case of financial corruption of some government officer.

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 the Inaction/Failure of the respondents to take appropriate steps against 1) Financial corruptions in case of construction of Jayoshri Road being situated at Upazila-Darmapasha, Distrcict-Sunamganj stating false financial Report to the World Bank 2) Financial corruptions in case of construction of Union Parishad Bhaban within greater Dhaka district, should not be declared illegal and without lawful authority

And

Why a direction should not be given upon the respondents to take appropriate legal action against the persons who are liable for financial corruptions in case of construction of Jayoshri Road situated at Upazila-Darmapasha, Distrcict-Sunamganj and construction work of Union Parishad Bhaban within greater Dhaka district.

c) Pending hearing of the rule directs the respondent no. 1 and 2 to form a five members committee within 15 days consisting of high officials to investigate the allegation of corruption made in Daily Inkilab on 21.10.2012 and on 15.06.2011 in Shokaler Khobor and directed the committee to submit the report within two months from the formation of the committee before this

court through the Registrar of the Supreme Court of Bangladesh.

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.
