

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

WRIT PETITION NO. 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 OF:

Public Interest Litigation (PIL)

AND

IN THE MATTER OF:

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

.....Petitioner.

-V E R S U S-

1. Bangladesh represented by The Secretary, Prime Minister's Secretariat, Tejgaon, P.S.: Tejgaon, 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 Deputy Commissioner, Cox'sbazar, Post and District -Cox'sbazar.

5. The Police Super, Cox'sbazar, Post and District-Cox'sbazar.

6. The Upazila Nirbahi Officer(UNO), Ukhia, Post and P.S-Ukhia, District- Cox'sbazar.

7. The Upazila Nirbahi Officer(UNO), Tekhnaf, Post and P.S-Tekhnaf, District- Cox'sbazar.

8. The Officer in charge (O.C.), Ukhia, Police Station, P.S. Ukhia, District- Cox'sbazar.

9. The Officer in charge (O.C), Tekhnaf Police Station- Tekhnaf, District- Cox'sbazar.

....Respondents

G R O U N D S

I. For that disregard to laws and legal provisions and failure to ensure proper implementation of laws the respondents have caused enough damage to the environment and the country is adversely affecting. Under these circumstances the respondents are legally bound to protect the hills at Co'sbazar 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 and by way of violating the provision of law hills cutting are continuing in the Cox'bazar, which is illegal. Hence a direction

may be given upon the respondents to hills cutting within the territory of Cox'bazar District.

III. For that the environment is being continuously endangered and threatened by various illegal activities such as cutting hills in the Cox'bazar area. 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 have caused enough damage to the environment of the area and adversely affecting the environment of the country and as such the respondents are required to be directed to protect the hills of Cox'bazar District, in accordance with law.

V. For that as per section 3 of the Building Construction act 1952 no one is allowed to cut hills without the previous approval. But some vested quarter is building their house by way of cutting hills, which is illegal.

Wherefore, it is most humbly prayed that Your Lordships would graciously be pleased to;-

- a) A Rule Nisi calling upon the Respondents to show cause as to why inaction of the respondents to protect the hills of Cox'bazar District should not be declared illegal and without lawful authority and Why a direction should not be given upon the respondents to stop hill cutting at Ukhia, Tekhnaf and Others Upazilla of Cox'bazar District.
- b) Pending hearing of the Rule directs the respondent No. 4-9 to arrange continuous monitoring in the hill area of Cox'bazar District, so that no one can build any house by cutting hill.
- c) Pending hearing of the rule directs the respondent no. 5 and 8-9 to take legal steps who are illegally cutting hills at Ukhia, Tekhnaf, and others Upazillas of Cox'bazar District and file case against them in accordance with law and submit a compliance report before this court through Registrar within 10 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. After hearing the partie the Hon'ble High Court Division passed judgment and made the rule absolute.
