

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

WRIT PETITION NO. _____ OF 2015.

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 Siddique, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioner.

-V E R S U S-

1. Bangladesh represented by the secretary, Ministry of Communication, Bangladesh Secretariate, P.S. Shahbag, Dhaka, Bangladesh.

2. The Police Commissioner, Khulna Metropolitan Police, Post and P.S.-Khulna, District-Khulna.

3. The Deputy Police Commissioner(North), Khulna Metropolitan Police, Post and P.S.-Khulna, District-Khulna.

4. The Deputy Commissioner, Khulna, Post and P.S. Khulna, District- Khulna.

5. The Chairman, Khulna Development Authority (KDA), Khulna, P.S.- Sonadanga, District-Khulna

6. The Executive Engineer, Roads and Highways, Roads Division,P.S.-Khulna Sadr, District- Khulna.

7. The Assistant Police Commissioner (North), Khulna Metropolitan Police, Post and P.S.- khalishpur, District –Khulna.

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8. The Officer-in-Charge, Daulatpur Police Station, Khulna Metropolitan Police, Post and P.S.- Daulatpur, District-Khulna.

9. The Authorized Officer, Khulna Development Authority (KDA), Khulna, P.S.- Sonadanga, District-Khulna

10. The Additional Deputy Commissioner(Land), Office of the Deputy Commissioner, Post and P.S and District- Khulna.

11. The Building Inspector, Khulna Development Authority (KDA), P.S.- Sonadanga, District-Khulna.

12. Mr. Md. Mizanur Rahman Tarafdar (Mizan), son of late Abu Bakkar Tarafdar of Pabla Tarafdar Para Road, Daulatpur, K.M.P, Khulna.

13. Mr. Md. Saifuzzaman (Mukul), son of late S.M. Abu Daud, of Pabla Moddhapara, Police Station- Daulatpur, K.M.P, District- Khulna.

AND

IN THE MATTER OF

Inaction and failure of the respondents to protect the government property and in preventing from constructing illegal structures at R.S. Dag No. 1186 and 1187 of Mouza- Pabla, Police Station- Daulatpur, District- Khulna, in violation of the provisions of the Building Constructions Act, 1952 and the Highways (amendment) Act, 1994.

AND

IN THE MATTER OF:

Direction upon the respondents to demolish the illegal structures constructed on the land situated at R.S. Dag No. 1186 and 1187 of Mouza- Pabla, Police Station- Daulatpur, District- Khulna and to prevent them from doing any further construction thereon.

G R O U N D S

I. For that the constructions on the land situated in R.S. Dag Nos. 1186 and 1187 without having any permission at all from any appropriate authority is illegal. Moreover, the authority concerned knowing fully well the illegal acts of the respondent Nos. 12 to 13 are not taking any visible

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action against them. Hence, the inaction and failure of the respondents should be declared illegal, without lawful authority and is of no legal effect.

II. For that the respondents are under obligation to perform their duties in accordance with law. But they have totally failed to prevent encroachment of the govt land from doing their illegal constructions consistently. Hence, the inaction and failure of the respondents should be declared illegal, without lawful authority and is of no legal effect.

III. For that the respondents illegally making constructions on the land situated in R.S. Dag Nos. 1186 and 1187 without having any permission at all from any appropriate authority. Moreover, the authority concerned, i.e. the respondents knowing fully well the illegal acts of the respondent Nos. 12 to 13 are not taking any visible action against them. Hence, the inaction and failure of the respondents should be declared illegal, without lawful authority and is of no legal effect.

IV. For that the respondents are under obligation to perform their duties in accordance with law. But they have totally failed to prevent the encroachment and illegal construction consistently. Hence, the inaction and failure of the respondents should be declared illegal, without lawful authority and is of no legal effect.

V. For that the respondents are not performing their statutory duties at the instance of a vested quarter. Hence, interference of this Hon'ble Court is required for securing ends of justice.

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

a) To issue Rule Nisi calling upon the respondents to show cause as to why the inaction and failure of the respondents to protect the government land situated at R.S. Dag Nos. 1186 and 1187 of Mouza- Pabla, Police Station- Daulatpur, District- Khulna, in which violating of section 3 of the Building Constructions Act, 1952 and section 8 of the the Highways (amendment) Act, 1994, construction is going on, should not be declared illegal, without lawful authority and is of no legal effect; and as to why a direction should not be given upon the respondents to prevent any further construction on the land at R.S. Dag No. 1186 and 1187 of Mouza- Pabla, Police Station- Daulatpur, District- Khulna.

b) Pending hearing of the Rule directs the respondents Nos. 3-8 to demolish/evict all the structure made on the land at R.S. Dag Nos. 1186 and 1187 of Mouza- Pabla, Police Station- Daulatpur, District- Khulna, within 48 hours and

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file a compliance report before this court within 2 weeks.

c) Pending hearing of the Rule directs the respondents Nos. 3,7-8 to take necessary action by deploying necessary police force for preventing any constructing structures at R.S. Dag Nos. 1186 and 1187 of Mouza- Pabla, Police Station- Daulatpur, District- Khulna.

d) And after hearing the parties and the cause shown, if any, make the Rule absolute,

e) And / or pass such other order / orders as your Lordships may deem fit and proper.

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.
