

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

WRIT PETITION ON 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:

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.

-VERSUS-

1. The Secretary, Ministry of
Environment & Forest, Bangladesh
Secretariat, Dhaka, Bangladesh.

2. The Chairman, Rajdhani Unnoyon
Kortipokho (RAJUK), RAJUK Building,
Dhaka - 1000, Bangladesh.

3. The Police Commissioner, Dhaka
Metropolitan Police, DMP Headquarter,
Eskaton, Dhaka, Bangladesh.

4. The Deputy Director, State-2,
Rajdhani Unnoyon Kortipokho (RAJUK),
Uttara Zonal Office, Uttara, Dhaka.

5. The Director General, Department of
Environment, Paribesh Bhaban, E-16, Sher-E
Bangla Nagar, Agargaon, Dhaka.

6. The Deputy Director, City Planning
Division, Rajuk, Rajuk Building, Dhaka -
1000, Bangladesh.

7. The Officer In charge (O. C.),
Shahjadpur Police Station, P.S. Shahjadpur,
DMP Dhaka, District-Dhaka, Bangladesh.

8. The Magistrate, RAJUK, Rajuk Building,
Dhaka - 1000, Bangladesh.

..... Respondents

GROUND S -

- I. 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 the earth filling is continuing in Gulshan Lake, which is illegal. Hence direction may be given upon the respondents to stop earth filling and encroachment in the Lake and recover the area of the lake which has already been filled.
- II. 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 Gulshan dwellers are adversely affecting to the right to life. Under these circumstances the respondents are legally bound to protect the environment in accordance with law.
- III. For that Section 5 of the gnvbMix, wefvMxq kni I †Rjv kn‡ii †cŠi GjvKvmn †`‡ki mKj †cŠi GjvKvi †Ljvi gvV Db¥y³ `vb, D`vb Ges cÖvK...wZK Rjvavi msi¶b AvBb, 2000, also prohibits change of the nature of any land that has been earmarked as a natural reservoir. As per section 8 of the Act 2000 any person who acts in contravention of the Act is liable to imprisonment not exceeding 5 years or a fine not exceeding Taka 50,000 or both. In spite of that provision of law the respondents are not taking any steps to stop earth filling and illegal construction. Hence a direction may be given to take steps to stop earth filling and encroaching within the lake.
- IV. For that thousands of people are residing in the Gulshan Model Town and are depending on lake to use as a recreational area and to get relieve from the suffocating environment of Dhaka city. But day by day in different manner encroaching and earth filling within the lake is continuing. The sewerage and drainage system of the area will be seriously affected if the respondents do not take any steps to stop filling of the Lake. Moreover if the lake is destroyed in that case the residents of the Gulshan Model Town will be dangerously suffer in rainy season due to rain water blockage. Hence the respondents are liable to take steps to stop filling of the Lake and should immediately bring to an end.

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

failure of the respondents to protect the Gulshan Lake, P.S.- Gulshan, Dhaka should not be declared illegal and without lawful authority a

AND

Why a direction should not be given upon the respondents not to allow any encroachment/earth filling within the area of Gulshan Lake, P.S. Gulshan, Dhaka and to stop all kinds of temporary and permanent construction within the area of Gulshan Lake violating the provisions of law.

b) Pending hearing of the rule direct the respondent no. 2-3 and 7-8 to take legal steps within seven days under the provisions of section 8 of the gnvbMix, wefvMxq kni I †Rjv kn‡ii †cŠi GjvKvnmn †`‡ki mKj †cŠi GjvKvi †Ljvi gvV Db¥y³ †`vb, D`vb Ges cÖvK...wZK Rjvavi msi¶b AvBb, 2000 and Environment Protection Act. 1995 against the persons who are liable for encroachment/Erath filling/construction within the area of Gulshan Lake as reported in Prothom Alo on 15.06.15 and file a compliance report within 3(three weeks before this Court.

c) Pending hearing of the rule direct the respondent no. 2-3 and 7-8 to evict/destroy/remove all the encroachment/construction/earth filling (as pre report dated 15.06.15 in Prothom Alo) within the area of Gulshan Lake at Shahjadpur area within 48 hours and file a compliance report within seven days before this Court.

d) Direct the office to serve the notice and copies upon the Respondents at the cost of office.

e) Upon hearing the cause if any shown makes the rule absolute.

f) Pass such other or further order or orders as your Lordships may deem fit and proper.

Present Status

The case was filed and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble Court

issued Rule Nisi upon the respondents. The matter is pending before the Hon'ble High Court Division.
