

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

WRIT PETITION NO. _____ OF 2016.

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 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 Railway, Abdul Goni
Road, P.S. Ramna, Dhaka, Bangladesh.

2. Director General, Bangladesh Railway,
Abdul Goni Road, P.S. Ramna, Dhaka,
Bangladesh.

3. Director/Deputy Director, Railway
Estate Department, Kamlapur, Dhaka,
Bnagladesh.

4. Assistant Estate Officer, Railway
Estate Department, Kamlapur, Dhaka,
Bnagladesh

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5. The Deputy Commissioner, Narayangonj, Post and P.S.- Narayangonj, District- Narayangonj.

6. The Police Supper, Narayangonj, Post and P.S.- Narayangonj, District- Narayangonj.

7. Upazila Nirbahi Officer, Sonargaon Upazila, P.S. Sonargaon, District- Narayangonj.

8. The Officer-in-Charge, Sonargaon , Police Station, Sonargaon, Post and P.S.- Sonargaon, District- Sonargaon.

AND

IN THE MATTER OF

Inaction and failure of the respondents to protect the property of Railway at Sonargaon, District- Narayangonj and in preventing from constructing illegal structures at the property belongs to Railway department, in violation of the provisions of the Building law.

AND

IN THE MATTER OF:

Direction upon the respondents to demolish the illegal structures constructed on the land situated at Noyapur bazar under Upazila – Sonargaon, Narayangonj and to prevent them from doing any further construction thereon.

G R O U N D S

I. For that the constructions and occupation of the land situated in Noyapur, Sonargaon, Narayangonj, without having any permission at all from any appropriate authority is illegal. Moreover, the authority concerned knowing fully well the illegal acts of some land grabbers 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.

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 some of influential are illegally making constructions on the land owned by Railway, 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 land grabbers 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 land of Railway situated at Noyapur bazaar, Sonargaon Upazila, District-Narayangonj, in which violating the law 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 said land.

b) Pending hearing of the Rule directs the respondents to demolish/evict all the structure made on the land situated at Noyapur bazaar, Sonargaon Upazila, District-Narayangonj, which was made without having any legal authority within 48 hours and file a compliance report before this court within 2 weeks.

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c) Pending hearing of the Rule directs the respondent 6-8 to take necessary steps for preventing any further construction/structures on the land of Raiway, situated at Noyapur bazaar, Sonargaon Upazila, District-Narayangonj, and file a compliance report before the Court through affidavit.

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.

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