

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

WRIT PETITION NO. OF 2020.

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
Vice President, Advocate Aklas Uddin
Bhuoyan , Hall No. 2, Supreme Court Bar
Association Bhaban, Dhaka, Bangladesh.

2. Advocate Ripon Baroi, Hall No. 2,
Supreme Court Bar Association Bhaban,
Dhaka, Bangladesh.

.....Petitioners.

-V E R S U S-

1. Bangladesh represented by the Secretary,
Road Transport and Highways Division,
Ministry of Road Transport and Bridges,
Bangladesh Secretariat, Dhaka-1000.

2. The Secretary, Ministry of Home
Affairs, Bangladesh Secretariat, P.S.
Shahbag, District: Dhaka.

3. The Inspector General of Police (IGP),
Police Head Quarter, Fulbari, Dhaka,
Bangladesh.

4. The Police commissioner, Dhaka Metropolitan Police, DMP Head Quarter, Dhaka, Bangladesh.

5. The Chairman, BRTA, 21 Allenbari, Tejgaon, Dhaka, Bangladesh

6. The Deputy Inspector General of Police, Dhaka Range, Office of the Deputy Inspector General, Dhaka Range, Dhaka.

7. The Deputy Inspector General of Police, Rajshahi Range, Office of the Deputy Inspector General, Rajshahi Range, Rajshahi.

8. The Deputy Inspector General of Police, Barisal Range, Office of the Deputy Inspector General, Barisal Range, Barisal.

9. The Deputy Inspector General of Police, Khulna Range, Office of the Deputy Inspector General, Khulna Range, Khulna.

10. The Deputy Inspector General of Police, Rangpur Range, Office of the Deputy Inspector General, Rangpur Range , Rangpur.

11. The Deputy Inspector General of Police, Chittagong Range, Office of the Deputy Inspector General, Chittagong Range , Chittagong.

12. The Deputy Inspector General of Police, Sylhet Range, Office of the Deputy Inspector General, Sylhet Range , Sylhet.

13. The Deputy Inspector General of Police, Mymensingh Range, Office of the Deputy Inspector General, Mymensingh Range , Mymensingh.

14. The Director General, Rapid Action Battalion (RAB), RAB Head Quarters, Dhaka.

15. The President / the Secretary, Bangladesh Truck-Cavard Van Malik Shromic Shomonny Parisad, 235 Baitun Nur Masjid(4th Floor), Tejgaon Truck-Stand, Tejgaon, Dhaka, Bangladesh.

....Respondents.

AND

IN THE MATTER OF:

To ensure the implantation of the directions passed in Writ Petition No. 3503 of 2009 to evict/remove all encroachment within the river Turag, Balu, Shitalakha and Burigonga.

AND

IN THE MATTER OF:

For a declaration that the transport strike of Truck, Tanklory, Cavardvan Transport etc. on 12-13 October, 2020, called by respondent no. 16 against the steps taken by BIWTA by following the directions of the High Court Division passed in Writ Petition No. 3503 of 2009 , is illegal and without lawful authority .

GROUND S:

I. For that the illegal strike has affected the fundamental rights of the common people. The common people are being deprived of free movement trough transports. That the illegal strike has also attacked right to profession of some common people as well as businessmen since transportation of goods is hindered / stopped due to strike and raw materials get rotten and thereby revenue generation is also affected by such strike. Hence, strike should be declared illegal.

II. For that illegal strike may inspired all the transport workers to act at their will causing set fire many establishments, clashes with police and many common innocent people's lives may be affected. That human life cannot be subject to interest of any vested group and hence, transport strike should be declared illegal.

III. For that calling such a strike against a court direction is interference in the administration of justice of Bangladesh and thereby an obstruction to the path of rule of law and independence of

judiciary. That anybody aggrieved due to any order or steps may opt for higher judicial intervention for which he/she is aggrieved but cannot allowed to call any strike in order to frustrated the directions of the court. That bypassing such judicial remedy, calling a strike against court's direction cannot be justified in any ground whatsoever. That eventually this culture would frustrate the sprit of Article 111 and 112 of the Constitution.

IV. For that the illegal strike will hamper the regular life. However, the respondents are duty bound at all time to serve the people and to perform the public duties. But they have failed to do their duty because they have failed to take steps to stop calling strike against the implementation of the direction of the Hon'ble Court.

V. For that the demand for calling strike is against the steps which were taken by the competent authority under the law. More over it was done as per the direction of the High Court Division. Though, calling of the strike on 12-13 October, 2020, against that legal action, hence it may be declared illegal and without lawful authority.

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 transport strike of Truck, Tanklory, Cavardvan Transport etc. on 12-13 October, 2020, called by respondent no. 15 against the steps taken by BIWTA by following the directions of the High Court Division passed in Writ Petition No. 3503 of 2009 , should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to ensure the implementation of the directions passed in Writ Petition No. 3503 of 2009 to evict/remove/demolish all encroachment within the River Tirag at Mouza Harirampur, P.S. Dar Us Salam, Dhaka.

b) Pending hearing of the rule direct the respondents No. 15 to withdraw Truck, Tanklory, Cavardvan Transport strike on 12-13 October, 2020, across the country, which was called against the steps taken by

BIWTA as per the direction passed in Writ Petition No. 3503 of 2009, by a written declaration within 24 hours and submit a compliance report within two weeks before this Hon'ble Court.

c) Pending hearing of the rule direct the respondent no. 4-14 to take steps to ensure driving Truck, Tanklory, Cavardvan Transport on 12-13 October, 2020 and file a compliance report within 2 weeks before this Hon'ble Court.

d) Pending hearing of the rule direct the respondent No- 5 to take steps for cancellation of driving license of the drivers/ the owners who will participate transport strike against the court direction on 12-13 October, 2020.

f) After hearing the parties make the Rule absolute.

g) Pass such other and further order and/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 and passed an order upon police to take steps against the illegal strike. Then the strike was withdrawn and filed a compliance report. Due to compliance subsequently rule was discharged.
