

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

WRIT PETITION NO. OF 2010.

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.
2. Advocate Aklas Uddin Bhuiyan, Publicity Secretary, Human Rights and Peace For Bangladesh, 33 Abdul Hadi Lane, Police Station-Bangshal, Dhaka.
3. Advocate Mahbubul Islam, Son of Md. Mofijuddin, Secretary General, Society of Justice, of Hs LA-56, Badda, Post Office Road, Gulshan, Dhaka 1212, Bangladesh.

.....Petitioners.

-VERSUS-

1. The Secretary, Ministry of Power, Energy and Mineral Resources, Bangladesh Secretariat, P.S.: Shahbag, District: Dhaka.
2. The Managing Director, Dhaka Electric Supply Company Ltd. (DESCO), Block-K, Road-24, House-3, Banani, Dhaka
3. The Managing Director, Dhaka Power Distribution Company Ltd. 1, Abdul Goni Road, Ramna, Dhaka

.....Respondents.

G R O U N D S

I. For that the duty and responsibility vested upon the respondent to obey the provision of law. It is the duty of an officer to perform the duties in accordance with law, but they have failed to perform the duties and responsibility as vested upon them. Hence a direction may be given to take appropriate steps check and monitor regularly all the transformer in Dhaka City.

II. For that as per Article 21 of the Constitution of Bangladesh the duty of every public servant is to perform public duties and to observe the constitution

and the laws. Under the present situation the provision of Article 21 of the Constitution of Bangladesh has been violated.

III. For that millions of people are living in Dhaka City and every moment their life is insecure due to accident of transformer. Normally the transformer set up in a place having a limited load and it is the duty of the electricity department to monitor so that the consumption of that area exceeds the load. It is also the duty of the electric department to check "Copper Loop Wire" of every transformer and change the "Lub Oil" time to time and maintain it properly. But in many cases the electric department fail to do their duty consequently the accident is happening and the life of the citizen become risky. That in some area due to silence of the electric department many illegal electricity connection is using, so the transformer become overload and caused the accident. The accident of transformer is also happening due to failure of the effective monitoring, so it is necessary to proper monitor of all transformer regularly in order to save the life of the citizen.

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 inaction of the respondents to maintain all transformer properly in Dhaka City, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to take appropriate steps to maintain all transformer properly in Dhaka City.
- c) Pending hearing of the Rule direct the Respondent no. 2 and 3 to form an expert committee and to check all the transformer in Dhaka city and submit a compliance report within 3 weeks before this court.

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 and granted ad-interim order. The matter is pending before the Hon'ble High Court Division.
