

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

WRIT PETITION NO. OF 2012.

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

2. Advocate Aklas Uddin Bhuiyan, Supreme Court Bar Association Building, Hall No. 2, P.S. Shahbag, Dhaka, Bangladesh.

.....Petitioners.

-V E R S U S-

1. The Secretary, Ministry of Environment and Forest, Bangladesh Secretariat, P.S.: Ramna, District: Dhaka.

2. The Director General, Department of Environment, Agargaon, E-16, Sher-E-Bangla Nagar, Dhaka, Bangladesh.

3. The Director (Monitoring and enforcement) Department of Environment, Poribesh Bhaban, E-16, Agargaon, Sher E Banglanagar, Dhaka-1207, Bangladesh.

4. The Director, Department of Environment, Chittagong Divisional Office, Chittagong.

5. The Assistant Director, Department of Environment, Cox'sbazar, Post and District-Cox'sbazar.

6. The Deputy Commissioner, Cox'sbazar, Post and District-Cox'sbazar.

7. The Police Super, Cox'sbazar, Post and District-Cox'sbazar.

8. The Mayor, Cox'sbazar Pourashava, Post and District-Cox'sbazar.

9. The Officer In Charge, Cox'sbazar Sadar Thana, Post and District-Cox'sbazar.

....Respondents

GROUNDS

I. 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 country is adversely affecting. Under these circumstances the respondents are legally bound to protect the environment in accordance with law.

II. 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 illegal construction is continuing in the area, which is illegal. Hence a direction may be given upon the respondents to stop building construction.

III. For that the environment is being continuously endangered and threatened by various illegal activities such as construction in the sea beach area. The unauthorized activities are the main causes for environmental degradation. Taking advantage of the silence of the concern authority, the illegal activities is continuing and as a result the environmental is destroying.

IV. For that such disregard to laws and legal provisions and failure to ensure proper implementation of laws have caused enough damage to the environment of the area and adversely affecting the environment of the country and as such the respondents are required to be directed to stop construction, in accordance with law.

Wherefore, it is most humbly prayed that your Lordships would graciously be pleased to :-

a) A Rule Nisi calling upon the Respondents to show cause as to why failure/inaction of the respondents to protect the environmental of the sea beach area at Cox'sbazar, should not be declared illegal and without lawful authority and Why a direction should not be given upon the respondents to remove/destroy/evict all the illegal constructions as reported in the daily Prothom Alo on 22.04.12.

b) Pending hearing of the Rule directs the respondent No. 3-9 to stop all kinds of constructions activities within 24 hours and file a compliance report before the court on or before 06.05.12 .

c) Pending hearing of the rule direct Mr. Mazharul Islam, Project Engineer, Destiny Best Western Beach Hotel and Resort, Cox'sbazar, to appear in person on 05.05.2012 at 10.30 am before this Hon'ble Court with relevant papers and to explain his conduct.

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.
