

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:

1. Human Rights and Peace for Bangladesh (HRPB) Represented by it's Secretary Advocate Asaduzzaman Siddiqui, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

2. Advocate Sarwar Ahad Chowdhury, Director, Human Rights and Peace for Bangladesh (HRPB) of 3/14 Bashbari Bosila Road, Mohammadpur, P.S.: Mohammadpur, Dhaka.

3. Advocate Md. Aklas Uddin Bhuiyan, Director, Human Rights and Peace for Bangladesh (HRPB), 3 Agamashi Lane, P.S.: Kotwali, Dhaka.

..... Petitioners.

-V E R S U S-

1. Bangladesh represented by the Secretary Ministry of Home Affairs, Bangladesh Secretariat, P.S. Shahbag, District: Dhaka.

2. Bangladesh represented by the Secretary Ministry of Land, Bangladesh Secretariat, P.S. Shahbag, District: Dhaka.

3. Bangladesh represented by the Secretary Ministry of Education, Bangladesh Secretariat, P.S. Shahbag, District: Dhaka.

4. The Police Commissioner, Dhaka Metropolitan Police (DMP), P.S.; Ramna, District- Dhaka.

5. Mr. Aslamul Haque, Member of Parliament, Mirpur, Dhaka, Bangladesh.

6. Mr. S.M. Mokfur Hossain, the Principal, Government Bangla College, Mirpur, Dhaka, Bangladesh.

7. The Officer in Charge (O.C.), Mirpur Police Station, Mirpur, Dhaka, Bangladesh.

.....Respondents.

**GROUND S**

I. For that as per Article 21 of the Constitution of Bangladesh the duty of every public servant is to perform public duties and to protect public property. Under Article 31 of the constitution of Bangladesh no one is allowed to take any action detrimental to property of any person except in accordance with law. According to the news report respondents violated the provision of Article 21 and 31 of the Constitution of Bangladesh.

II. For that the duty and responsibility vested upon the respondents to serve the people and initiate lawful steps and the respondents 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 also failed to protect the above mentioned land, which is illegal. Under these circumstances the respondents are liable to take immediate steps to protect the property of 4 acres land of Government Bangla College.

III. For that such disregard to laws and legal provisions and failure to ensure proper implementation of laws have caused enough damage to the government land and as such the respondents are required to be directed to protect the above mentioned land in accordance with law.

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 Government land of Bangla College and forceful and illegally possession of about 4 acres land of Government Bangla College by respondent no. 5 should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to ensure the recovery of the property of Government Bangla College.

b) Pending hearing of the rule directs the respondent no. 5 to appear in person on 16.05.12, before this court and to explain his conduct.

c) The Deputy Commissioner, Dhaka, is directed to survey the land of the Government Bangla College by forming an expert committee and submit the report along with the relevant papers on or before 16.05.12 before this court.

#### **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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