

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 read with 44 of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

Public Interest Litigation (PIL).

AND

IN THE MATTER OF:

To ensure safety of the residents of the Dhaka City and to take steps to demolish/remove all illegal billboards (hoarding) to save the life of the city dwellers from security risk.

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.
2. Advocate Sarwar Ahad Chowdhury, Organizing Secretary, Human Rights and Peace for Bangladesh (HRPB) of 3/14 Bashbari Bosila Road, Mohammadpur, P.S.: Mohammadpur, Dhaka.
3. Advocate Md. Aklas Uddin Bhuiyan, Publicity Secretary, Human Rights and Peace for Bangladesh (HRPB) of 33 Abdul Hadi Lane, P.S.: Bangshal, District-Dhaka.

.....Petitioners.

-VERSUS-

1. Bangladesh, Represented by the Secretary, Ministry of Home Affairs, Secretariat, Police Station-Shahabag, District-Dhaka.
2. The Inspector General of Police, Police Head Quarter, Raman, Dhaka, Bangladesh.
3. The Police Commissioner, Dhaka Metropolitan Police, Police Commissioner Office, Eskaton Road, Raman, Dhaka, Bangladesh.
4. The Mayor, Dhaka City Corporation, City Corporation Bhaban, Ramna, Dhaka, Bangladesh.
5. The Officer in Charge, Shabag Police Station, Shahbag, Dhaka, Bangladesh.

.....Respondents.

GROUND S

I. For that the respondent are the public servants and they 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 the city dwellers are facing security risk due to illegal billboards.

Not only that some people have been died in the mean time due to collapse of billboards.

II. For that the respondents are liable for their negligence. They have not taken sufficient precautions to save life of the city dwellers. The respondents have failed to do their duty because they have failed to take steps to remove/demolish illegal billboards in order to save the life of the city dwellers from any kinds of security risk

III. For that without any precautions to save the life of the city dwellers, the respondents have sent the life of the people in a dangerous situation, which is violation of Article 18(1) of the Constitution of Bangladesh. Moreover the right to life is a fundamental right guaranteed under Article 32 of the Constitution of Bangladesh but it is violating by way of inaction of the respondents. Hence a direction may be given upon the Respondents to ensure safety of the residents of the Dhaka City and to take steps to demolish/remove all illegal billboards (hoarding) to save the life of the city dwellers from security risk.

Wherefore, it is most humble 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 take effective measures to ensure safety of the residents of the Dhaka City, should not be declared illegal and without lawful authority and why a direction should not be given upon D.C.C. to pay compensation to the deceased victim and why a direction should not be given upon the respondents to take steps to demolish/remove all illegal billboards (hoarding) in Dhaka City in order to save the life of the city dwellers from security risk and pass such other or further order or orders as Your Lordships may deem fit and proper.
- b) Pending hearing the rule direct the respondent no. 4 to form an expert committee to examine whether billboards approved by Dhaka City Corporation have been set up properly in Dhaka City and submit a detail report within 2 (two) weeks before this court.
- c) Pending hearing the rule direct the respondent no. 2, 3 and 5 to deploy force as per the requirement of the Dhaka City Corporation and give full assistance to the drive for dismantles of billboard initiated by the authority.
- d) Direct the respondent no. 5 to file an affidavit by 5th April, 2010, explaining his role and the facts under what situation the authority was compelled to halt their drive for dismantling illegal hoarding at Shahbag on 18.03.2010.

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. After hearing the parties the Hon'ble High Court Division was pleased to made the rule absolute.
