

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

WRIT PETITION ON ..... 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 the  
Secretary of the Executive Committee  
Asaduzzaman Sddiqui , Advocate, Supreme  
Curt of Bangladesh, Hall No. 2, Supreme  
Court Bar Association Bhaban, Dhaka,  
Bangladesh.

2. Advocate Sarwar Ahad Choudhury, Hall  
No. 2, Supreme Court Bar Association Hall,  
Post-Shahbag, Dhaka, Bangladesh.

3. Advocate Aklasuddin Bhuiyan, Son of  
Abdul Khalek Bhuiyan of 33 Abdul Hadi  
Lane, P.S. Bangshal, Dhaka.

.....Petitioners.

**-VERSUS-**

1. Bangladesh represented by the Secretary,  
Ministry of Local Government and Rural  
Development, Bangladesh Secretariat, P.S.  
Shahbag, Dhaka, Bangladesh.

2. The Mayor, Dhaka City Corporation,  
City Corporation Bhaban, Fulbaria, Dhaka,  
Bangladesh

3. The Director General of Land Reforms  
(D.G.L.R.), Directorate of land Reforms,

Satrstha Road, Tejgaon, Dhaka, Bangladesh.

4. The Managing Director (M.D.), Water And Sewerage Authority (WASA), Head Office, Kawranbazar, Dhaka, Bangladesh.

5. The Police Commissioner, Dhaka Metropolitan Police, DMP headquarter, Eskaton Road, Dhaka, Bangladesh.

6. The Deputy Commissioner, Dhaka, Court House Street, P.S.Kotawali, District-Dhaka.

7. The officer in charge (O.C.), Mohammadpur Police Station, Mohammadpur, Dhaka, Bangladesh.

..... Respondents

AND

IN THE MATTER OF:

The Bangladesh Environment Conservation Act 1995 (amended in 2000 and 2002), and মহানগরী, বিভাগীয় শহর ও জেলা শহরের পৌর এলাকাসহ দেশের সকল পৌর এলাকার খেলার মাঠ উন্মুক্ত স্থান, উদ্যান এবং প্রাকৃতিক জলাধার সংরক্ষন আইন, ২০০০.

AND

IN THE MATTER OF:

For a direction to stop earth filling and illegal encroachment in Haikkar Khal at Mohammadpur near the Martyred Intellectuals Memorial, Dhaka, violating the provisions of law.

## **G R O U N D S**

- I. 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 the earth filling is continuing in Haikkar Khal, which is illegal. Hence direction may be given upon the respondents to stop earth filling in the Haikkar Khal at Mohammadpur, Dhaka.

- II. 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 city dwellers are adversely affecting to the right to life. Under these circumstances the respondents are legally bound to protect the Haikkar Khal at Mohammadpur in accordance with law.
- III. For that under Section 5 of the মহানগরী, বিভাগীয় শহর ও জেলা শহরের পৌর এলাকাসহ দেশের সকল পৌর এলাকার খেলার মাঠ উন্মুক্ত স্থান, উদ্যান এবং প্রাকৃতিক জলাধার সংরক্ষন আইন, 2000, also prohibits change of the nature of any land that has been earmarked as a natural reservoir. As per section 8 of the Act 2000 any person who acts in contravention of the Act is liable to imprisonment not exceeding 5 years or a fine not exceeding Taka 50,000 or both. In spite of that provision of law and violating the directions of the Judgment the land grabbers are continuing earth filling in Haikkar Khal at Mohammadpur Dhaka. Hence direction should be given to stop earth filling in Haikkar Khal at Mohammadpu.
- IV. For that the non-implementation of the laws the respondents undermined the rule of law and frustrated the Judgment and directions given by the High Court Division in Writ Petition no. 3503 of 2009.

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

- a) Direct the office to register this application as a writ petition.
- b) Issue a Rule Nisi calling upon the Respondents to show cause as to why a direction should not be given upon the respondents to protect the Haikkar Khal near the Martyred Intellectuals Memorial, Mohammadpur, Dhaka, from the land grabbers and why a direction should not be given upon the respondents to bring the Haikkar khal to it's previous condition through digging in proper way.
- c) Pending hearing of the rule direct the respondents 3, 4 and 6 to identify the original territory of the Haikkar khal at Mohammadpur through a survey and submit a report with 2 months before this court.

d) Pending hearing of the rule direct the respondent no. 5, 6 and 7 to take immediate steps to stop construction work/encroachment/earth filling in the canal Haikkar khal near the Martyred Intellectuals Memorial, Mohammadpur, Dhaka.

e) Direct the office to serve notices upon the respondents at the cost of office.

f) Upon hearing the cause if any shown makes the rule absolute.

g) Pass such other or further order or orders as your Lordships may deem fit and proper.

**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.