

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

WRIT PETITION NO. .... OF 2017.

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:

Mr. Zakir Hossain Roni, 18/3 Armanian  
Street, Alif Lam Mim Tower, Armanitola,  
P.S. Bongshal, District-Dhaka, Bangladesh.

.....Petitioner.

-V E R S U S-

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

2. The Secretary, Ministry of Health,  
Bangladesh Secretariat, P.S. Shahbag,  
Dhaka, Bangladesh.

3. The Secretary, Ministry of Environment,  
Bangladesh, Secretariat, P.S. Shahbag,  
Dhaka, Bangladesh.

4. The Mayor, Dhaka South City  
Corporation, City Corporation Bhaban, P.S.  
Shahbag, Dhaka, Bangladesh.

5. The Director General, Department of  
Environment, Poribesh Bhaban, E-16,  
Agargaon, Sher E Bangla ,Nagar, Dhaka-  
1207.

6. The Police Commissioner, Dhaka  
Metropolitan Police(DMP), DMP  
Headquarter, Eskaton, P.S. Raman, Dhaka,  
Bnagladesh.

7. The Deputy Commissioner, Dhaka, Post and P.S. Kotwali, District-Dhaka.

8. The Chief Estate Officer(D.S.), Dhaka South City Corporation, City Corporation Bhaban, P.S. Shahbag ,Dhaka, Bangladesh.

9. The Officer in Charge , Bongshal Thana, Post and P.S. Bongshal, District-Dhaka.

....Respondents

AND

IN THE MATTER OF:

Inaction/Failure to protect the area of Armanitola Play Ground under Bongshal Thana, situated under Mouza-Dhaka at Dag no. 10764, District- Dhaka, as per the provisions of 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:

Illegal and mlafide steps to set up Cattle hat within Armanitola Sports ground, Bongshal, Dhaka situated under Mouza-Dhaka at Dag no. 10764 and to ensure the rights of the peoples to continue sports activities in the area which was recognized as a sports ground.

## **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 play ground are destroying , which is illegal.

II. 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 rights of the people of the area for their sports activities in Armanitola Play Ground as such the respondents are required to be directed to protect the sports ground 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, ২০০০, also prohibits change of the nature of any land that has been earmarked as a sports ground. 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 some steps was taken to set up cattle hat. Hence direction should be given to stop illegal cattle hat within the area of Armanitola Play Ground.

IV. For that as per the provision of law there is a direction to protect play ground but by way of set up cattle hat within the play ground the nature of the ground will be changed. Moreover the purpose of the law to protect the play ground in order to use it as play ground by the common people and for sports by players. If cattle hat is set up there in that case the whole purpose of the play ground will be frustrate. Hence any steps to set up play ground is illegal and without lawfull authority.

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

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 the illegal advertisement dated 06.07.2017 published in Daily Shomokal inviting tender to set up cattle hat at Armanitola Play Ground, (as of annexure-B) should not be declared illegal and without lawful authority and Why a direction should not be given upon the respondents to protect and maintain the character of Armanitola Play Ground under Bongshal Thana, situated under Mouza-Dhaka at Dag no. 10764 in an effective manner as per the provision of law.

b) Pending hearing of the rule stay operation of the impugned advertisement in respect of set up cattle hat at Armanitola Play Ground (as of annexure-B) and directs the respondents to submit a compliance report through affidavit within 2 weeks before this court about the steps.

- c) Upon hearing the cause if any shown makes the rule absolute.
- d) 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 passed ad interim order. The matter is pending before the Hon'ble High Court Division.

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