

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

WRIT PETITION ON OF
2014

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

2. Advocate Aklasuddin Bhuiyan,
Advocate, Supreme Curt of Bangladesh,
Hall No. 2, Supreme Court Bar Association
Bhaban, Dhaka, Bangladesh.

.....Petitioners.

-VERSUS-

1. Bangladesh represented by the
Secretary, Ministry of Education,
Bangladesh Secretariat, P.S. Shahbag,
Dhaka, Bangladesh.

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

3. The Deputy Commissioner, Barisal,
Post and District- Barisal, Bangladesh.

4. The Police Commissioner, Barisal, Post and District- Barisal, Bangladesh.

5. The Upazila Nirbahi Officer, Barisal Sadar, Post and P.S - Barisal Sadar, District- Barisal, Bangladesh.,

6. The Officer In Charge (O.C.), Barisal Sadar Thana, P.S.- Barisal Sadar, District- Barisal, Bangladesh.

7. Mr. Joynal Abedin, Councilor, Ward No. 10, Post and P.S.- Barisal Sadar, District- Barisal, 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 remove construction material from the sports ground of the Bastuhara Government Primary School, KDC Razzak Colony, *Bandh* Road, Barisal and to ensure the rights of the Bastuhara Government Primary School students to continue sports activities in the area which was recognized as a sports ground of the Bastuhara Government Primary School.

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 sports ground are using for business purpose instead of, 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

students of the Bastuhara Government Primary School, KDC Razzak Colony, *Bandh* Road, Barisal and 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, 2000, 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 illegal construction is going to be implemented. Hence direction should be given to stop illegal encroachment of sports ground situated at the Bastuhara Government Primary School, KDC Razzak Colony, *Bandh* Road, Barisal

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 and maintain the character of sports ground of the Bastuhara Government Primary School, KDC Razzak Colony, *Bandh* Road, Barisal in an effective manner as per the provision of law.
- c) Pending hearing of the rule direct the respondent no. 7 to remove the construction material from the Bastuhara Government Primary School sports ground within 48 hours and respondent n0. 3-6 are directed to ensure the rights of the Bastuhara Government Primary School students to continue sports activities in the area which was recognized as sports ground of the Bastuhara Government Primary School, KDC Razzak Colony, *Bandh* Road, and submit a compliance report through affidavit within 2 weeks before this court.
- d) Direct the office to serve notices upon the respondents at the cost of office.

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

f) 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.