

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:

Public Interest Litigation (PIL)

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 Md. Aklas Uddin Bhuiyan Publicity Secretary of Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka and 33 Abdul Hadi Lane, Police Station Kotwali, District- Dhaka, Bangladesh.

.....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. The Inspector General of Police (IGP), Police Head Quarter, Fulbari, Dhaka, Bangladesh.
3. The Joint Commissioner (Traffic), Dhaka Metropolitan Police, DMP Head Quarter, Dhaka, Bangladesh.
4. The Deputy Commissioner(South), Dhaka Metropolitan Police, DMP Head quarter, Dhaka, Bangladesh.

5. The Deputy Commissioner Traffic (South), Dhaka Metropolitan Police, Eskaton Road, Dhaka, Bangladesh.
6. The Administrator, Dhaka City Corporation (South), City Corporation Bhaban, Ramna, Dhaka, Bangladesh.
7. The Deputy Commissioner, Dhaka, Collectorate Building, Kotwali, Dhaka , Bangladesh.
8. The Officer in Charge (O.C.) , Bongshal Thana, Police Station-Bongshal, Dhaka, Bangladesh.
9. The Officer in Charge (O.C.), Kotwali Thana, Police Station-Kotwali, Dhaka, Bangladesh.
10. The Officer In Charge, Ramna Thana, Police Station-Ramna, Dhaka, Bangladesh.
11. The Officer In Charge, Kotwali Thana, Police Station-Kotwali , Dhaka, Bangladesh.

....Respondents.

AND

IN THE MATTER OF:

For a direction upon the respondents to take necessary steps to remove/demolish/evict all দোকান , ফেরিওয়ালা, ফলের দোকান, বিক্রির জন্য প্রদর্শিত যে কোন পন্য, ফুটপাথের উপর হাটাচলার প্রতিবন্ধকতাকারী যে কোন প্রতিষ্ঠান, বস্তু, যানবাহন, রাস্তা বা ফুটপাথের উপর রাখা বালু, রড, বা যে কোন মালামাল , ভ্যান গাড়ি এবং ঠেলা গাড়ির ষ্ট্যান্ড situated within the road from zero point to Sadar Ghat, Dhaka, in order to free movement of the litigant people, lawyers and Judges of the Dhaka District Court.

AND

IN THE MATTER OF :

For a direction upon the respondents not to allow any দোকান, ফেরিওয়ালা, ফলের দোকান, ফুটপাথ

বা রাস্তার উপর বালু, রড, বা যে কোন পন্য রাখা, ভ্যান গাড়ি এবং ঠেলা গাড়ি পার্কিং করা, রাস্তার পাশের দোকান গুলোর পন্যসমূহ ফুটপাথ বা রাস্তা দখল করে রাখা within the road from zero point to Sadar Ghat, Dhaka.

GROUNDS

I. For that the traffic jam is seriously hampering the public life. It is the moral responsibility to ensure the free movement of the citizens. From the past experience it is learnt that due to inaction and negligent to traffic system many the peoples are suffering. The cause behind this is illegal occupation of road , pathway, setting up shops in the road and encroachment by the shop owners in the road side . It cannot expect that road users will be safe under these conditions. It should realize that due to illegal encroachment by the shop owner the vehicles can not move hence there is serious traffic jam , so necessary steps should be made for improving the situation.

II. For that due to ignorance of traffic rules many accident occurred in the city area and most of the time school/college going student became the victim. The pedestrians and the driver both of them ignore the signal/traffic rules and caused accident in which many people died. It is also necessary to build up awareness amongst the students and pedestrians. It would be better if all the obstructions in the road be removed and the respondents took the matter seriously and take steps as per the existing law and procedure.

III. For that if it is expect to reduce the road traffic, the total road transport and traffic management system has to be reorganized and upgraded. Most of our roads are under control of the small shop owners but the law enforcing agencies are silent in this regard.

IV. For that considering all the circumstance stated above it is necessary to take steps by the authority concern to remove all obstructions from the road. Day by day the situation is decreasing due to the negligence of the respondents and the people are losing valuable time. But no authority is perfectly moving to solve the problem, so accident traffic jam is continuing. Considering the safety of the time of the citizen and in order to save their valuable time the the respondents should be vigilant, which could be reduce the traffic jam of the street.

V. For that in section 53 of the Motor Vehicle Ordinance, 1983, authorized a power to the government to issue order and direction

upon the authority as it may consider necessary in respect of any matter relating to road transport or on any matter provided in this ordinance and the authority shall give affect to all such order and directions. Though everyday traffic jam is collapsing the normal movement of the citizens due to continuous traffic jam but the respondent did not issued any affective directions in order to solve this problem.

VI. . For that everyday there are heavy traffic jam due to not following the traffic rules and in absence of affective traffic management the litigant people as well as lawyers and Judges are facing problem and losing many hours. The main reason of traffic jam is for setting up illegal shops, hatbazar within the road.. Not only that most of the time the obstruction created in the road by illegal means but the traffic police do not take any steps to clear or remove of the obstructions. Which not only is causing traffic jam but also the cause of many accident in which many people died unnecessary.

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 take necessary steps to remove/demolish/evict all দোকান , ফেরিওয়ালা, ফলের দোকান, বিক্রির জন্য প্রদর্শিত যে কোন পন্য, ফুটপাথের উপর হাটাচলার প্রতিবন্ধকতাকারী যে কোন প্রতিষ্ঠান, বস্তু, যানবাহন, রাস্তা বা ফুটপাথের উপর রাখা বালু, রড, বা যে কোন মালামাল , ভ্যান গাড়ি এবং ঠেলা গাড়ির স্ট্যান্ড situated within the road from zero point to Sadar Ghat, Dhaka, in order to free movement of the litigant people, lawyers and Judges of the Dhaka District Court.

c) Pending hearing of the rule direct the respondent no. 3-11 to take effective steps within 48 hours not to allow any দোকান, ফেরিওয়ালা, ফলের দোকান, ফুটপাথ বা রাস্তার উপর বালু, রড, বা যে কোন পন্য রাখা, ভ্যান গাড়ি এবং ঠেলা গাড়ি পার্কিং করা, রাস্তার পাশের দোকান গুলোর পন্যসমূহ ফুটপাথ বা রাস্তা দখল করে রাখা within the

road from zero point to Sadar Ghat, Dhaka and constitute a traffic team to monitor the implementation of the directions and submit progress report in every 30 days before this court through affidavit..

d) Direct the office to serve the notice and copies upon the respondents at the cost of office.

e) After hearing the parties make the Rule absolute.

F) Pass such other and further order and/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.