

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

WRIT PETITION NO. 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, Son of
Abdul Khalek Bhuiyan Advocate, Supreme
Court of Bangladesh, Hall No. 2, Supreme
Court Bar Association Bhaban, Dhaka,
Bangladesh.

3. Advocate Mahbubul Islam, Son of Md.
Mofijuddin, Advocate, Supreme Court of
Bangladesh, Hall No. 2, Supreme Court Bar
Association Bhaban, Dhaka, Bangladesh.

.....Petitioners.

-V E R S U S-

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

2. The Chairman, BIWTA, 141-143, Motijheel C/A, P.S. Motijheel, Dhaka, Bangladesh.
3. The Director General, Department of Environment, Paribesh Bhaban, E-16, Sher-E Bangla Nagar, Agargaon, Dhaka.
4. The Deputy Commissioner, Brahmanbaria, Office of the Deputy Commissioner, Brahmanbaria.
5. The Police Super (S.P.) Brahmanbaria P.S.- Brahmanbaria Sadar, District- Brahmanbaria.
6. The Managing Director, Ashugonj Power Station Company Limited, P.S.- Ashugonj, District- Brahmanbaria.
7. The Officer in Charge, Ashugonj Thana, P.S.- Ashugonj, Brahmanbaria.
.....Respondents.

AND
IN THE MATTER OF:

For a direction upon the respondent to take necessary steps to remove the illegal Jeti built by Conveyer Logistics, Dhaka, in the river: Meghna, Ashugonj, Brahmanbaria as reported in media and to protect environment and to take appropriate legal actions against the persons who are liable for the illegal acts.

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, slab filing /putting in the river for illegal purposes is a continuous activity in the rivers including the river: Meghna at Ashugonj, Brahmanbaria, which is illegal. Hence a direction may be given upon the respondents to stop the making of said Jeti by encroachment of the River Meghna at

Ashugonj, Brahmanbaraia and to remove the structure of the Jeti from the riverbed immediately.

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 common people are being adversely affected to the right to life. Under these circumstances the respondents are legally bound to protect the river the River Meghna at Ashugonj, Brahmanbaraia in accordance with law.

III. For that the non-implementation of the laws the respondents has undermined the rule of law and frustrated the principle of 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) Issue a Rule Nisi calling upon the Respondents to show cause as to why a direction should not be given upon the respondents to stop all kinds of encroachment of river bed of Meghna, at Ashugonj and to protect the river shore of Meghna from any land grabbers and restrain them from any kinds of illegal uses of river bed and shore and the river territory.

b) Pending hearing of the rule direct the respondents 4-10 to remove all construction materials/structures from the river territory/shore of Meghna at Ashugonj, Brahmanbaria as reported in *Kater Kontho* dated 10.02.14, within 7 (seven) days and also take steps so that no one can encroach within the territory of river Meghna and submit a compliance report with 4 weeks before this court.

c) And pending hearing of the rule direct the respondents 9 and 10 to take legal actions against the persons responsible for illegal encroachment/jeti building in the river: Meghna at Ashugonj violating the provisions 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, 2000.

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.