

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

WRIT PETITION NO. OF 2015.

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

2. Advocate Eklas Uddin Bhuiyan, 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 Environment, Bangladesh
Secretariat, P.S.: Ramna, District: Dhaka.

2. The Director General, Department of
Environment, Poribesh Bhaban, E-16,
Agargaon, Sher E Banglanagar, Dhaka-1207,
Bangladesh.

3. The Director (Monitoring and
enforcement) Department of Environment,
Poribesh Bhaban, E-16, Agargaon, Sher E
Banglanagar, Dhaka-1207, Bangladesh.

4. The Director, Environment Directorate,
Sylhet Divisional Office, P.O. & Police
Station- Sylhet, Bangladesh.

5. The Deputy Director, office of the Hobigonj Environment Directorate, , P.O. & Police Station- Hobigonj, District-Hobigonj, Bangladesh.

6. The Deputy Commissioner, Hobigonj, Post and District- Hobigonj.

7. The Police Superintendent (S.P), Hobigonj, Post and P.S.- Hobigonj, District-Hobigonj, Bangladesh.

8. Upazial Nirbahi Officer (U.N.O.), Hobigonj, Post and P.S.- Hobigonj, District-Hobigonj, Bangladesh.

9. The officer in Charge (O.C.), Nobigonj Police Station, Post and P.S.- Nobigonj, District- Hobigonj, Bangladesh.

10. Mr. Sona Mia, Son of Late Nawab Ullah of Village-Bongaon, Post and P.S.- Nobigonj, District- Hobigonj, Bangladesh.

....Respondents

AND

IN THE MATTER OF:

Failure of the respondents to protect mountain/tila (পাহার/টিলা) situated at Dinarpur under Nobigonj Upazila, District-Hobigonj and inaction of the respondents to stop cutting of mountain/tila (পাহার/টিলা) situated at Dinarpur, under Nobigonj Upazila, District- Hobigonj.

AND

IN THE MATTER OF:

The Bangladesh Environment Conservation Act 1995 (amended in 2000 and 2002).

GROUND S:

I. 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 country which is adversely affecting all of us. Under these circumstances the respondents are legally bound to protect the mountain/tila (পাহার/টিলা) in Hobigonj in accordance with law.

II. 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.

III. For that by way of violating the provision of law mountain/tila (পাহার/টিলা) are being are being cutting in continuously in Hobigonj, which is illegal. Hence a direction may be given upon the respondents to stop cutting of mountain/tila (পাহার/টিলা) in Hobigonj.

IV. For that the unauthorized activities are the main causes for environmental degradation. Taking advantage of the silence of the concern authority, the illegal activities is on a rampant situation and as a result the environment is being destroyed.

V. For that under Section 6(Kha) of the Environment Conservation Act. 1995 also prohibits cutting mountain/tila (পাহার/টিলা) and change of the nature but it is not observing, which is illegal.

VI. For that in spite clear legal provisions for prohibiting of hill cutting, the Respondent is doing so, which is illegal. That due to inactions and failure of the respondents' tila cutting and in Hobigonj has been rampant for the last couple of years ignoring any negative impact on life cycle, ecological balance, and rights of citizens of Hobigonj.

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

a) A Rule Nisi calling upon the Respondents to show cause as to why failure/inaction of the respondents to protect mountain/tila (পাহার/টিলা) situated at Dinarpur under Nobigonj Upazila, District-Hobigonj, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to stop cutting of mountain/tila (পাহার/টিলা) situated at Dinarpur under Nobigonj Upazila, District- Hobigonj.

b) Pending hearing of the rule direct the respondents to maintain statuesque in respect of cutting of mountain/tila (পাহার/ঢিলা) situated at Dinarpur under Nobigonj Upazila, District- Hobigonj, and file a compliance report within 2 weeks through affidavit before the court.

c) Pending hearing of the Rule, direct the respondent No. 6-9 to arrange continuous monitoring over the cutting of mountain/tila (পাহার/ঢিলা) situated at Dinarpur under Nobigonj Upazila, District- Hobigonj, so that no one can cut/destroy mountain/tila (পাহার/ঢিলা) situated at Dinarpur under Nobigonj Upazila, District- Hobigonj, violating the provisions of law.

e) Pending hearing of the rule direct the respondent 4-5 and 7-9 to take legal steps against the persons who are liable for cutting mountain/tila (পাহার/ঢিলা) situated at Dinajpur under Nobigonj Upazila, District- Hobigonj and file case against them in accordance with law and submit a compliance report before this court through Registrar within 2 weeks.

f) Direct the office to serve notices and copies upon the respondents at the cost of office.

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

h) 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 case was heard by the Hon'ble High Court Division and disposed of the rule with direction.