

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

Present:

**Ms. Justice Fahmida Quader**

**And**

**Mr. Justice Md. Ashif Hasan**

**Review Petition No. 04 of 2025**

**(arising out of Writ Petition No. 5151 of 2024)**

**In the matter of:**

An Application under Section 114 of the Code of Civil Procedure.

**And**

**In the matter of:**

Human Rights and Peace for Bangladesh (HRPB), represented by its Secretary Advocate Md. Sarwar Ahad Choudhury, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh and others.

..... Petitioners

**-Versus-**

Bangladesh, represented by the Cabinet Secretary, the Cabinet Division, Bangladesh Secretariat, P.S. Shahbagh, Dhaka-1000 and others.

..... Respondents

Mr. Manzil Murshid, Senior Advocate

..... for the petitioner

Mr. Muntasir Uddin Ahmed, Advocate with

..... for the respondent No. 2

Mr. Shah Md. Khasruzzaman, Advocate

..... for the respondent No. 9

Mr. Mohammad Humaun Kabir (Pollob), Advocate

..... for the respondent Nos. 13

Mr. S. M. Zahirul Islam, Advocate with

..... for the respondent Nos. 12 and 14

Mr. Mohammed Shafiqur Rahman, DAG with

Mr. Mohammad Rashadul Hassan, DAG with

Mr. Mohiuddin Md. Hanif, AAG with

Mr. KM Saiful Islam, AAG with

Mr. Siddiqur Rahman (Russell) with

Ms. Tanzima Tul Mowla, AAG with

Ms. Maria Tanjimath, AAG

..... for the respondent No. 2/Government

**Heard on: 11.12.2025**

**Judgment on: 15.01.2026**

**Fahmida Quader, J.**

In this application, filed under Section 114 of the Code of Civil Procedure, Rule Nisi was issued in the following terms: -

“Let a Rule Nisi be issued calling upon the Respondents to show cause as to why the judgment and order dated 28.01.2025 passed by this Court in Writ Petition No. 5151 of 2024 should not be reviewed and/or pass such other or further order or orders as to this Court may seem fit and proper.”

The background facts, as averred in the writ petition, leading to the disposal of the Rule in a nutshell is that this review petition arises out of the judgment and order dated 28 January 2025, passed by the High Court Division in Writ Petition No. 5151 of 2014.

The original writ petition No. 5151 of 2014 was filed by Human Rights and Peace for Bangladesh (HRPB) under Article 102 of the Constitution of the People’s Republic of Bangladesh, invoking the jurisdiction of this Court in the nature of public interest litigation (PIL). The petitioner challenged the continued inaction and failure of the respondent authorities in preventing indiscriminate and unlawful cutting of trees across Dhaka Metropolitan City, District and Upazila levels, which was challenged to be causing serious environmental degradation and violation of the fundamental rights of the citizens.

The petitioner further sought appropriate direction upon the respondents to:

- Take immediate and effective measures to stop illegal tree cutting;
- Ensure compensation to planters under the Social Forestry Rules, 2008 (সামাজিক বনায়ন বিধিমালা, ২০০৮) as fixed by the competent authority;
- Form expert - based monitoring committees at national, district and Upazila levels under the Ministry of Environment, Forest and Climate Change for regulating permission and supervision of tree cutting activities.

Upon hearing the parties, this Court issued a Rule Nisi on 7 May 2024, “calling upon the respondents to show cause as to why the inaction of the respondents to protect the trees, except the private party (Annexure A) should not be declared to have been done without lawful authority

and is of no legal effect and why a direction should not be given upon the respondents to take necessary steps to stop cutting trees of Dhaka City and City of District and Upazila Level, which affect the environment of the country and violate the fundamental rights of the citizens of Bangladesh and why a direction should not be given upon the respondents to insert a provision in “সামাজিক বিধিমালা, ২০০৪” making a provision to pay due amount to the planter(s) as fixed by competent authority and why a direction should not be given upon the respondent No. 3 to form a committee within 07 days under the Ministry of Environment, Forest and Climate change consisting of Environmentalist activist, Environmentalist expert, Profess of Environment Science of Dhaka University, Professor of Science of Jahangirnagar University in order to giving permission for cutting trees and why a direction should not be given upon the respondent No. 5 to issue a circular within 7 days upon all Deputy Commissioners directing them to form a 7 members committee consisting of Deputy Commissioner, (DC), Head of the District Environment Officer, Principal of the Government College, Social Activist, Environment Activist, District Bar Association President/Secretary and Civil Surgeon in order to giving permission for cutting trees within that areas and why a direction should not be given upon the respondent No. 5 to issue a circular within 7 days upon all Deputy Commissioners directing them to form a 7 members committee consisting of Upazila Nirbahi Officer (UNO), Principal of College, Social Activist, Environmental Activist, Officer of Social Welfare, Assistant Commissioner of land and LGRD Executive Engineer in order to giving permission for cutting trees within that areas and why a direction should not be given upon the respondents to take immediate necessary steps to stop cutting any trees within Dhaka City area until formation of the committee under the respondent No. 3 and why a direction should not be given upon the respondent Nos. 4, 6 and 13 to pay due amount to the planters under “সামাজিক বিধিমালা, ২০০৪” as fixed by competent authority instead of cutting trees at road side of different District and Upazila and/or pass such other or further order or orders as to this Court may seem fit and proper.”

The matter was thereafter heard on merits on 12 December 2024 and 09 January 2025 and judgment was delivered on 28 January 2025, whereby the Rule was made absolute, accompanied by comprehensive observations and directions.

Subsequently, upon obtaining certified copies of the judgment, the petitioners filed the present review petition, accompanied by an application for condonation of delay, primarily on the following grounds:

1. That certain observations in the operative portion of the judgment - particularly relating to exclusion of government development projects from the scope of the directions – were inconsistent with the findings and spirit of the judgment and Rule.
2. That the structure and composition of committees at national, district and upazila levels required clarification and separation for effective functioning.
3. That certain direction concerning Respondent Nos. 16 and 18 had frustrated the purpose of the Rule and rendered parts of the judgment ineffective.
4. That in order to ensure continuous supervision and compliance, the judgment ought to be treated as a continuous mandamus, enabling this Court to monitor implementation over time.

The matter came upon the list for hearing on 17.07.2025 and after hearing the parties this court condones the delay and issued Rule.

The matter was fixed for hearing by this Division on 20.10.2025. At the time of hearing the learned Senior Advocate Mr. Manzill Murshid has submitted that the High Court Division made the Rule Absolute relied on Article 18A and 32 of the Constitution of Bangladesh and considering the effect of environmental damage, global lessons to protect trees, violations of International Environmental Obligations, Public Interest and Climate Change Considerations. But in the operative part of the directions is different from the findings/observations at some points, which requires review by this Hon'ble Court for the ends of justice, otherwise, the Rule becomes futile and meaningless. Hence, this application for review.

He also submitted that the High Court Division may also review its judgment and order as per High Court Rules Chapter X from which no appeal has been preferred, and in this matter no appeal has been filed by the petitioners, and as such this Court may review the judgment.

Mr. Manzill Murshid also submitted that in the judgment the court has clearly stated about ‘need to form a committee’ in where 3 different committee were mentioned i.e Committee under the Ministry of Environment, Forrest and Climate Change, Committee at District Level and Committee at Upazila level. In the rule issuing order it was specifically mentioned about 3 committees separately at different places. In the finding of the judgment the court also mentioned about the 3 committees one for Dhaka city headed by Ministry of Environment, Forest and Climate Change, at District Level headed by

Deputy Commissioner (D.C.) and at Upazila level headed by Upazila Nirbahi Officer (U.N.O.) But in the operative part of the judgment it was mentioned about the formation of the committee at national, district and upazila level and name of the members of the committee has mentioned jointly. The learned counsel has submitted that every committee needs to be formed separately consisting of separate personnel but due to error in the operative part of the judgment a confusion has been created and ultimately the respondents could not form the committee as yet. The operative part of the direction in respect of formation of committee is an error, which needs to be corrected. Moreover, it is neither in accordance with the finding of body of the judgment nor in terms of the Rule.

The learned senior Counsel of the petitioners submitted that in the judgment the High Court Division made the Rule Absolute with some directions and in the finding it was stated that inaction of the respondents in stopping the tree cutting in Dhaka city and other area has resulted insignificant environment degradation. Subject matter of the writ petition is excluding the private tree and tree under forest department and cause of the writ petitioner arose of a government project by whom hundreds of trees are going to be cutting. In the judgment the court also directed the respondent no. 16 and 18 to postpone of the tree cutting activities. But in one para in the operative portion of the judgment emphasized and stated that “it is important to note that the aforementioned directives regarding tree cutting do not apply to the implementation to the government development project, as per government policy approved by the appropriate authority, as previously mentioned”. This emphasized observations under the directives upon the respondent no. 16 & 18 has frustrated the term of the Rule and the whole judgment as well. The learned senior counsel has submitted that the rule was obtained challenging the inactions of the respondent-government to protect the trees, and direction was sought for stopping cutting trees and others. If cutting trees by the government for its development project is kept out in that case the purpose of the Rule will become infructuous and truthless. Not only that if the above observation of the operative part of the judgment exists in that case whole judgment will be frustrated and meaningless. The learned senior counsel hence submitted to delete the following para from the operative part of the judgment.

“It is important to note that the aforementioned directives regarding tree cutting do not apply to the implementation to the government development project, as per government policy approved by the appropriate authority, as previously mentioned”

The learned senior counsel also submitted that in the last part of the direction of the judgment the high court division directed to submit a progress report on implementing these directions within six months from the receipt of the judgment. As per high court rules the court cannot pass any order after the judgment is pronounced. Learned counsel has submitted that in order to greater interest of the issue and to oversee of the protection of trees round the year and the activity of the proposed committee requires interference of the court. He also submits that the Court may accept the compliance time to time even after the judgment is pronounced when the judgment is kept as a continuous mandamus. He prayed to pass an order mentioning in the last part of the judgment as ‘to treat the matter as continuous mandamus’.

Mr. Mohammed Shafiqur Rahman, the learned Deputy Attorney General appeared on behalf of the opposite party did not raise any objection rather he as frankly conceded that review may be allowed for betterment of understanding of directions and for proper implementation.

At the time of hearing an application was filed for addition of party as respondent no.15 and the learned advocate Md. Iqbal Hossain of the applicant has submitted that the applicant is a necessary party because he has contested the case in the writ petition as respondent. The senior counsel of the petitioners Senior Advocate Manzill Murshid has submitted that in the review petition nothing has been claimed against the applicant, so he has no objection if the prayer for added party is allowed. Accordingly, prayer for addition of party was allowed. On the other hand, on behalf of the respondent no. 13 a power has been submitted by the learned advocate M. Humaun Kabir, and it was kept in the record. The learned counsel of the respondent has submitted that in order to effective compliance of the direction of this court the forest officer should be included in the committee at district and upazila level. Replying to the submission the senior counsel of the petitioners has submitted that at upazila level there is no post of forest officer. But at district level forest officer may be member of the committee in place of social activist.

We have heard the learned Advocates, perused the review petition and the Annexures as well as case record.

Upon detailed consideration of the facts, materials on record and submissions of the learned counsels for the parties, this Court held in the original judgment inter alia that:

- The failure of the respondent authorities to present indiscriminate cutting of trees, except by private individuals, was illegal and violative of the Constitution, particularly Article 18A and 32, which mandate protection of environment and right to life.
- Environmental degradation caused by unchecked tree cutting directly affects public health, ecological balance and sustainable development.

Accordingly, the Court issued specific directions but not limited to:

- 1. Formation of Committee:** The respondents/ government shall establish seven or more member committee under the Ministry of Environment, Forest and Climate Change at the national, district and upazila levels, comprising environmental experts, activists, academics and administrative officials, Professors of Environment Science of Dhaka University, Professor of Science of Jahangirnagar University, Deputy Commissioner (DC), Head of the District Environment Officer, Principal of the Government College, Social Activist, Environment Activist, District Bar Association President/Secretary, Civil Surgeon, Upazila Nirbahi Officer (UNO), Principal of College, Social Activist, Officer of Social Welfare, Assistant Commissioner of land and LGRD Executive Engineer (as required for committees at the national, district and upazila level), these committee will approve, monitor and oversee tree cutting activities and ensure compliance with environmental laws.
- 2. Moratorium on Tree Cutting:** Until formation of a committee an immediate halt to all the tree cutting activities across Bangladesh (except private party), the Dhaka City, District and Upazila level which affect the environment of the country and violate the fundamental rights of the citizens of Bangladesh, without prior approval from an independent monitoring committee.

#### **Reforestation and Compensation:**

- 3. Mandatory Replantation:** For every tree cut, a minimum of five trees must be planted in the same area or designated alternative spaces within six months. The government (the respondents) shall take necessary steps to insert a provision in “সামাজিক বিধিমালা, ২০০৪” to pay appropriate amount to the planters as fixed by the competent authorities/ said committee instead of cutting trees at road side of different districts and upazila. The government shall honor agreements under the Social Forestry Rules (সামাজিক বিধিমালা, ২০০৪)

and compensate planters fairly to encourage community participation in reforestation.

**4. Monitoring and Enforcement:**

**5. National Monitoring Authority:** A centralized monitoring body under the Ministry of Environment, Forest and Climate change must be established to oversee all tree cutting and reforestation activities.

**6. GIS Based Forest Tracking:**

Implement a Geographic Information System (GIS) to monitor forest coverage, illegal deforestation and reforestation progress.

**Legislative and Policy Measures:**

**7. National Reforestation Plan :-** Draft a long term plan to increase forest coverage to at least 15% by 2035 and 25% by 2050, aligning with global standards.

**8. Environmental Courts:** Strengthen existing environmental Courts to handle cases of deforestation and violations promptly.

**Public Awareness and Education:**

**9. Environmental Education:** Introduce mandatory environmental education at all levels to raise awareness about forest conservation.

**10. Community Engagement:** Launch public campaigns and incentivize citizens to participate in reforestation programs, similar to the “One Billion Trees” program in New Zealand.

**Global Collaboration:**

**11. International Support:** Bangladesh must seek technical and financial assistance from international organizations like the UNDP, FAO and World Bank to implement advanced reforestation techniques and combat climate change.

**Directives regarding Respondent Nos. 16 and 18.**

The Respondent Nos. 16 and 18 are directed to postpone the aforementioned tree cutting activities until the formation of said specialised committee and their approval and until approval from Forest and Environmental department. The Chief Executive Officer, Zilla Parishad, Jessore is directed to identify trees whose roots were cut and soil removed by respondent Nos. 16 and 18, in

the presence of the concerned Upazilla Nirbahi Officer and Officer-in-Charge of the relevant Police Station. Respondent Nos. 16 and 18 may only cut down the trees only whose roots have been severed and soil removed, in order to prevent significant damage to life and property.

The Respondent Nos. 16 and 18 shall be reimbursed for the amount they were unable to recover due to restrictions on tree cutting, despite having already incurred expenses, including reasonable compensation. The concerned authority is directed to refund the amount to them within 60 days from the receipt of this order.

The Respondent Nos. 16 and 18 may proceed with tree cutting in the designed area of both sides of National Highway, starting from Neelgonj setu to Karimpur and Vatiapara-Khulna-Lohogora, Narial, Jessore, following all procedures once the Committee is formed and grants approval.

This Court acknowledges the critical role of forests in maintaining climate change, and ensuring public health. While development is essential, it must not come at the cost of environmental destruction. The directives issued aim to restore balance and align Bangladesh with global best practices for sustainable environmental management.

However, before making any decision regarding tree cutting for development project, the government must carefully consider the stated directives to ensure a balance approach that prioritizes environmental sustainability while meeting infrastructural and economic needs. Thoughtful planning and adherence to ecological guidelines will help mitigate adverse environment impacts and promote responsible development.

The proposed committee, after its formation, shall take necessary measures in order to implement the above directives. The respondents are directed to submit a progress report on implementing these directives within six months from the receipt of this judgment.

After hearing the learned senior Counsel for the petitioners and the learned Counsels for the respondents as well as the learned Deputy Attorney General and upon careful examination of the judgment and above findings this Court reiterates that development cannot be pursued at the cost of environmental destruction. Protection of trees and forests is intrinsically link with the constitutional right to life, public health and sustainable development. The directions issued herein aim to restore ecological balance and ensure that environmental government is conducted in a lawful, transparent and accountable manner.

In the light of discussion above, we are of the considered view that :-

- The grounds raised in the review petition have merit for consideration;
- Allowing the review would not alter the fundamental spirit or objectives of the original judgment, but would rather clarify, strengthen and ensure effective implementation of the directions already issued;
- Certain ambiguities in the operative portion require correction in the interest of justice and effective environmental protection.

In the light of the above, we are inclined to allow the application for review of the judgment dated 28.01.2025 passed in Writ Petition No. 5151 of 2025.

Hence the review petition is allowed and made the Rule absolute with following directions to form committee to allow permission for cutting tree at Dhaka Metropolitan City and District and Upazila level;

- i. To protect trees as well as environment at Dhaka Metropolitan City, at least a seven members committee should be formed under the Ministry of Environment, Forest and Climate Change. The Committee should include an environment activist, environmental expert and professors from Dhaka University and Jahangir Nagar University specializing in environmental science.
- ii. At the District level, a similar at least seven members committee should be established, including the Deputy Commissioner, District Environment Officer, Principal of a Government College, Forest officer and Environmental Activists, the President/Secretary of the District Bar Association and Civil Surgeon.
- iii. At the Upazila level, similar at least seven member committee should be established, including Upazila Nirbahi Officer (UNO), Principal of College, Social Activist, Environment Activist, Officer of Social Welfare, Assistant Commissioner of Land, Executive Engineer of LGED.

These committees will oversee the protection and preservation of trees crucial to the environment.

For effectiveness of the judgment and direction and to ensure protection of environment the following para is deleted from the judgment passed on 28.01.2025.

“It is important to note that the aforementioned directives regarding tree cutting do not apply to the implementation to the government development project, as per government policy approved by the appropriate authority, as previously mentioned”

Last part of the judgment the following sentence will be inserted.

“The judgment will be treated as continuous mandamus”.

The office is directed to communicate this judgment to all the respondents as soon as possible.

There will be no order as to costs.

-----