

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

WRIT PETITION NO. _____ OF 2025.

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:

Article 18A, 21 and 32 of the Constitution of the People's Republic of Bangladesh and Bangladesh Environment Protection Act 1995.

AND

IN THE MATTER OF:

Inaction of the respondents to protect the stone quarry area of Bholagonj, Upazila-Companygonj, District-Sylhet, which were destroyed by way of lifting and illegally removing stone from the area by different peoples despite of prohibition.

AND

IN THE MATTER OF:

For a direction upon the respondents No. 2 to take immediate steps to declare the area of all stone quarry area of Companygonj at Sylhet as ecological critical area under the provision of section 5 of Bangladesh Environment protection Act. 1995.

To,

Mr. Justice Syed Refaat Ahmed, The Hon'ble Chief Justice Bangladesh and his companion judges of the said Hon'ble Court.

AND

IN THE MATTER OF:

1. Human Rights and Peace for Bangladesh (HRPB), represented by it's Secretary Advocate Md. Sarwar Ahad Choudhury, Hall No.2 Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.
2. Advocate Aklas Uddin Bhuiyan, Supreme Court of Bangladesh, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka.
3. Advocate Ripon Baroi, Supreme Court of Bangladesh, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka.
4. Advocate Nasrin Sultana, Supreme Court of Bangladesh, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka.

.....Petitioners.

-V E R S U S

1. Bangladesh, represented by the Senior Secretary, Ministry of Mineral Resources, Bangladesh Secretariat, P.S.: Ramna, District: Dhaka.
2. The Senior Secretary, Ministry of Environment, Forest and Climate Change, Bir Uttam AK Khandakar Road, Dhaka 1212.
3. The Director General, Department of Environment, Poribesh Bhaban, E-16, Sher-

E-Bangla Nagar, Agargaon, Dhaka, Bangladesh.

4. The Deputy Commissioner, Sylhet, Post and P.S-Sylhet.

5. The Superintendent of Police, Sylhet, Post and P.S-Sylhet.

6. The Commanding Officer, RAB-9, RAB 9 Head Quarter,, Bypass Road, Shreerampur, Post-Sylhet 3100, Thana-Moglabazar,, District-Sylhet.

7. Camp In charge, Border Guard Bangladesh, Kalasadak BOP, Post-Bholagonj, P.S. Companygonj, District-Sylhet.

8. The Assistant Commissioner of Land (AC Land), Copmanygonj, District-Sylhet.

..... Respondents.

G R O U N D S

I. For that as per Article 21 of the Constitution of Bangladesh the duty of every public servant is to perform public duties and to observe the constitution and the laws. According to the prevailing situation the provision of Article 21 of the Constitution of Bangladesh has been violated, hen direction may be given upon the respondents.

II. For that failure of the protection of the stone quarry area which was established as a great touristic would damage the ecology and environment and conflicting with the Article 18A and 32 of the Constitution of Bangladesh, as such the inaction of the respondents are illegal, unlawful and intentional. So, a direction should be given upon the respondents to protect the white stone quarry area of Bholagonj at Companygonj under Sylhet district.

III. For that every year, a huge number tourist came to enjoy the natural beauty of the area which were created naturally but by way of lifting thousands of stone illegally from the area a big damage of ecological and environmental has been occurred. For that act, there was serious public criticism, and its effect fell on the environment. It will also affect tourism, and the government may lose income. So, a direction should be given upon the respondents to take steps against the liable persons who lifted white stone from the stone quarry at Bholagonj, Sylhet.

IV. For that there were no monitoring team formed by the respondents for protecting the area. As such a direction should be given upon the respondents to form a continuous monitoring team for protection of the area. Otherwise, it is not possible to protect the biodiversity, ecology and environment of the area.

V. For that there is a lack of proper monitoring, so the respondents has failed to protect the white stone quarry area, which is important for the environment. As such a direction need to be given upon the respondents for protection of environment and ecology to make a whole time monitoring team for protection of the stone quarry at Bholagonj at Sylhet.

VI. For that due to lack of proper monitoring and inaction of the respondents every day a huge amount of white stone has been lifted and removed from the area of Bholagonj stone quarry area at Sylhet, which fall effect of the biodiversity, ecological balance and environment of the area. Hence a direction should be given upon the respondents as per prayer of the instant writ petition.

VII. For that most of the respondents are the experienced public servant and very much aware of the rules and law of the land. That the duty and responsibility vested upon the respondents to serve the people but they have failed to follow the laws and rules to protect the interest of the citizen

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 inaction of the respondents to protect the stone quarry area of Bholagonj, Upazila- Companygonj, District-Sylhet, which were destroyed by

way of lifting and illegally removing stone from the area by different peoples, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to protect the stone quarry area of Bholagonj, Upazila-Companygonj, District-Sylhet and why a direction should not be given upon the respondents No. 2 to take steps to declare the area of all stone quarry area of Companygonj at Sylhet as ecological critical area under the provision of section 5 of Bangladesh Environment protection Act. 1995.

AND

Why should a direction not be given upon the respondents to collect compensation from the liable persons who caused damage of ecology and environment due to shifting and removing white stone from the stone quarry of Bholagonj, Companygonh, Sylhet as per the assessment report.

a) Pending hearing of the Rule an order may be passed directing the respondent 4 to 8 to deploy monitoring team at day and night time within 48 hours for continuous monitoring of the areas so that no one can lifting and removing any white stone from the stone quarry are of companygonj. and direct the respondents to file a compliance report within 2 weeks.

b) Pending hearing of the rule direct the respondent no. 1 and 2 to assess the financial damage of ecological and environmental damage in terms of Taka due to lifting and removing white stone from the area of Bholagonj, Companigonk, Sylhet, by forming an expert committee consisting of the one professor from BUET and submit a report before the Hon'ble court within the 3 months.

c) Pending hearing of the rule direct the respondent no. 4-8 to prepare a list along with the leaders of the persons who were engaged in the activities of lifting and removal of white stone from the stone quarry of Bholagong, Companygong, Sylhet and file a compliance report before the court within 60 days through affidavit along with the name, address.

d) Pending hearing of the rule directs the respondents to take immediate steps to collect white stone from the different area with the help of civil administration and law enforcing agencies which were lifted and removed from the stone quarry at Bholagonj, Companygonj, Sylhet and place it at there as early as possible and file a compliance report within 3 months.

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.
