

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:

The Bangladesh Environment Conservation Act 1995 (amended in 2000 and 2002 and 2010), মহানগরী, বিভাগীয় শহর ও জেলা শহরের পৌর এলাকাসহ দেশের সকল পৌর এলাকার খেলার মাঠ উন্মুক্ত স্থান, উদ্যান এবং প্রাকৃতিক জলাধার সংরক্ষণ আইন, ২০০০, Bangladesh Water Act 2013 and Article 18A of the Constitution of Bangladesh.

AND

IN THE MATTER OF:

Inactions/failure of the respondents to take necessary steps to stop earth filling and illegal encroachment within the area of waterbody Malibagh Chowdhuripara Jheel in Rampura Police Station, Dhaka North City Corporation, violating the provisions of law.

AND

IN THE MATTER OF:

For a direction to stop earth filling and illegal encroachment within the area of waterbody namely Malibagh Chowdhuripara Jheel in Rampura Police

Station, Dhaka North City Corporation, Dhaka, violating the provisions of law and direct the authority to protect the said water body to it's original position.

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 Akals Uddin Bhiuyan, Supreme Court of Bangladesh, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka.
3. Advocate Sanjoy Mandal, Supreme Court of Bangladesh, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka.
.....Petitioners.

-VERSUS-

1. Bangladesh represented by the Secretary, Ministry of Environment, Forests, and Climate Change, Bangladesh Secretariat, Police Station- Shahbag, Dhaka, Bangladesh.
2. The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, P.S.-Shahbag, Dhaka, Bangladesh.
3. The Secretary, Ministry of Home Affairs, Bangladesh Secretariat, P.S.-Shahbag, Dhaka, Bangladesh.
4. The Police Commissioner, Dhaka Metropolitan Commissioner(DMP), DMP

4. The Chief Engineer, Public Works Department, PWD Bhaban, Segunbagicha, Dhaka, Bangladesh.

5. The Executive Engineer, Circle-4, Dhaka Public Works, PWD Bhaban, Segunbagicha, Dhaka, Bangladesh.

6. The Director General, Department of Environment, E/16, Paribesh Bhaban, Agargaon, Sher-E-Bangla Nagar, Dhaka-1207.

7. The Deputy Director (Enforcement), Department of Environment, Dhaka Division, E/16, Paribesh Bhaban, Agargaon, Sher-E-Bangla Nagar, Dhaka-1207.

8. The Officer in Charge (O.C.), Rampura Thana, P.S. – Rampura, District- Dhaka, Bangladesh.

..... Respondents.

- 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 earth filling, encroachment is continuing in, which is illegal. Hence direction may be given upon the respondents to stop encroachment and earth filling and to remove all illegal earth filling and structures from the natural water reservoirs of waterbody namely Malibagh Chowdhuripara Jheel in Rampura Police Station, Dhaka and to protect the Jheel area to its original nature and character.
- 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 local peoples which are adversely affecting the right to life. Under these circumstances the respondents are legally bound to protect the environment/ the natural water reservoirs of waterbody

namely Malibagh Chowdhuripara Jheel in Rampura Police Station, Dhaka, in accordance with law.

- III. For that Section 5 of the মহানগরী, বিভাগীয় শহর ও জেলা শহরের পৌর এলাকাসহ দেশের সকল পৌর এলাকার খেলার মাঠ উন্মুক্ত স্থান, উদ্যান এবং প্রাকৃতিক জলাধার সংরক্ষণ আইন, 2000, also prohibits change of the nature of any land that has been earmarked as a natural reservoir. As per section 8 of the Act 2000 any person who acts in contravention of the Act is liable to imprisonment not exceeding 5 years or a fine not exceeding Taka 50,000 or both. That in spite of that provision of law the respondents are not taking any steps towards saving the environment. Hence a direction may be given to stop earth filling/encroachment and also to remove all illegal earth filling and structures from the natural water reservoirs of waterbody namely Malibagh Chowdhuripara Jheel in Rampura Police Station, Dhaka.
- IV. For that Section 20 of the Bangladesh Water Act 2013- any individual or organization cannot stop or change or attempt to change the direction of the flow of water by constructing structure or developing land or extracting sand or mud in any water bodies, without the permission of competent authority. As per section 29 of the Act 2013 any person who acts in contravention of the Act is liable to imprisonment not exceeding 5 years or a fine not exceeding Taka 10,000 or both. That in spite of that provision of law the respondents are not taking any steps towards saving the environment. Hence a direction may be given to stop earth filling/encroachment and also to remove all illegal earth filling and structures from the natural water reservoirs of waterbody namely Malibagh Chowdhuripara Jheel in Rampura Police Station, Dhaka.
- V. For that the natural water are strategically important for environment and the living beings as well. In that context, the respondents are responsible for their misdeeds and illegal activities of illegal earth filling in natural water reservoirs of waterbody namely Malibagh Chowdhuripara Jheel in Rampura Police Station, Dhaka, for their different illegal encroachments and hence the respondents should be held liable in accordance with law.
- VI. For that the illegal actions of the respondents have serious negative impact on environment which will ultimately affect the right to life of the common people living surrounding the of waterbody namely Malibagh Chowdhuripara Jheel in Rampura Police Station, Dhaka as well as within the territory of the Jheel but the respondents have not taken any positive

steps towards saving the environment, which is totally violation of law.

- VII. For that the authorities cannot even give anyone any permission of earth-filling of water land/water bodies/water reservoirs of waterbody namely Malibagh Chowdhuripara Jheel in Rampura Police Station, Dhaka. Hence, the actions of allotment of the area of waterbody for construction a building is a clear violation of legal provisions of the Bangladesh Environment Conservation Act 1995 (amended in 2000 and 2002 and 2010), and মহানগরী, বিভাগীয় শহর ও জেলা শহরের পৌর এলাকাসহ দেশের সকল পৌর এলাকার খেলার মাঠ উন্মুক্ত স্থান, উদ্যান এবং প্রাকৃতিক জলাধার সংরক্ষন আইন, 2000 and Bangladesh Water Act 2013.

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 inaction/failure of the respondents to take effective steps as per law to protect natural water reservoirs/water bodies of Malibagh Chowdhuripara Jheel in Rampura Police Station, Dhaka, from being earth-filled and encroached illegally for construction a building, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to remove all illegal earth filling and structures already built in the natural water reservoirs /water bodies of waterbody namely Malibagh Chowdhuripara Jheel in Rampura Police Station, Dhaka and to protect the said jheel to its original position and why any allotment for construction of building within the of waterbody namely Malibagh Chowdhuripara Jheel in Rampura Police Station, Dhaka, should not be declared illegal and without lawfull authority.

b) Pending hearing of the rule direct the respondents to maintain statuesque in respect of any earth filling/encroachment/construction within the area of waterbody namely Malibagh

Chowdhuripara Jheel in Rampura Police Station, Dhaka and submit a compliance report within two weeks before this Hon'ble court through affidavit.

c) Pending hearing of the rule directs the respondent nos. 2 and 4 to submit a copy of the allotment letter if any issued by them as evident from newspaper report (annexure A) through affidavit within 30 days before this Hon'ble court.