

দুই  
ঢাকা



বাংলাদেশ  
কোর্ট ফি

দুই  
ঢাকা

১২/৬/০৯  
১২/৬/০৯, ১২/৬/০৯, ২২/৬/০৯, ২২/৬/০৯

IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

**WRIT PETITION NO. 4795 OF 2009.**

IN THE MATTER OF:

An application under Article 102 of the Constitution of the People's Republic of Bangladesh.

-AND-

IN THE MATTER OF:

Bangladesh Environmental Lawyers Association (BELA) an organization registered under the societies Registration Act, 1862 having its Office at House No. 15A, Road No. 3 Dhanmondi Dhaka represented by its Chief Executive Syeda Rizwana Hasan.....Petitioner.

=VERSUS=

1. Bangladesh, represented by the Secretary, Ministry of Land, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, P.S. Ramna.
2. The Secretary, Ministry of Environment and Forest, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, P.S. Ramna, Dhaka.
3. The Secretary, Ministry of Water Resources, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, P.S. Ramna, Dhaka
4. The Chairman, Bangladesh Water Development Board, WAPDA Building (2<sup>nd</sup> Floor), Motijheel, C/A. Dhaka.
5. The Director General, Department of Environment (DoE), Poribesh Bhaban, Plot No.-E/16, Agargaon, Shér-e-Bangla Nagar, Dhaka.
6. The Deputy Commissioner, Office of the Deputy Commissioner, Sunamgonj.
7. The Deputy Director, Department of Environment (DoE), Sylhet Division, Sylhet
8. Upazilla Nirbahi Officer, Office of the Upazilla Nirbahi Officer, Tahirpur, Sunamgonj.....Respondents.

-AND-

1/2



IN THE MATTER OF:

Illegal extraction of sands from the banks and beds of the river Jadukanta and Cutting of the bank of the said river in the mouzas of Puranlaur, Chaliarghat, Lamashram, Purbodoil and Ghagra under Tahirpur Upazilla of Sunamganj district

PRESENT

**Mr. Justice Syed Mahmud Hossain.**

**And**

**Mr. Justice Quamrul Islam Siddiqui**

The 13<sup>th</sup> day of July, 2009..

Mr. M. Iqbal Kabir .....for the petitioner

Mr. Razik Al Jalil, D.A.G..... for the respondents

Let a Rule Nisi issue calling upon the respondents to show cause as to why they should not be directed to protect the river Jadukanta (in the mouzas of Puranlaur, Chaliarghat, Lamashram, Purbodoil and Ghagra, Police Station Tahirpur, District Sunamganj) from illegal extraction of sands from its bed and bank also to protect the banks of the said river by placing bank protecting embankment as required under the laws and why further directions shall not be given upon them to initiate legal measures against the illegal and unscrupulous sand traders and also to realize compensation from them for causing damages to the river and the villagers of the said village and/or such other or further order or orders passed as to this Court may seem fit and proper.

Pending hearing of the Rule, the respondents are restrained by an order of injunction from extraction of sands from the river Jadukanta and cutting of the river banks in the mouzas of Puranlaur, Chaliarghat, Lamashram, Purbodoil and Ghagra, Police Station Tahirpur, District Sunamganj for a period of 3(three) months. ~~The Rule is made returnable within 4(four) weeks from date.~~

The petitioner is directed to put in requisites for service of notices upon the respondents in usual course and through registered post.

**S. M. Hossain.**

**Quamrul Islam Siddiqui**

Baschu/21.07.09.

Read by:

Exmn. By:

প্রত্যায়িত অবিকল প্রতিলিপি



21/10/09, 21/10/09, 21/10/09, 21/10/09, 26/10/09

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

**WRIT PETITION NO. 4795 OF 2009.**

IN THE MATTER OF:

An application under Article 102 of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

Articles 31,32, and 42 of the Constitution of the People's Republic of Bangladesh ;the Bangladesh Environment Conservation Act, 1995 and the Environment Conservation Rules, 1997 made there under; Bangladesh Water Development Board Act, 200; Land Management Manual, 1990; Gazette notification of respondent No. 1 dated 24 February, 2005 ref ভূমঃ/শা-৭/বিবিধ-০৭/২০০৪-১২৫

And

IN THE MATTER OF:

Bangladesh Environmental Lawyers Association (BELA) an organization registered under the societies Registration Act, 1862 having its Office at House No. 15A, Road No. 3 Dhanmondi Dhaka represented by it Chief Executive Syeda Rizwana Hasan.....Petitioner.

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3. The Secretary, Ministry of Water Resources, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, P.S. Ramna, Dhaka



4. The Chairman ,Bangladesh Water Development Board, WAPDA Building (2<sup>nd</sup> Floor), Motijheel, C/A, Dhaka.
5. The Director General, Department of Environment (DoE), Poribesh Bhaban, Plot No.-E/16, Agargaon, Sher-e-Bangla Nagar, Dhaka.
6. The Deputy Commissioner, Office of the Deputy Commissioner, Sunamgonj.
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8. Upazilla Nirbahi Officer, Office of the Upazilla Nirbahi Officer, Tahirpur, Sunamgonj.....Respondents.

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IN THE MATTER OF:

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PRESENT

**Mr. Justice Syed Mahmud Hossain.**

And

**Mr. Justice Quamrul Islam Siddiqui**

**The 8<sup>th</sup> day of October, 2009.**

Mr. M. Iqbal Kabir.....for the petitioner.

Let the order of injunction granted earlier by this Court be extended till disposal the Rule.

**S. M. Hossain.**

**Quamrul Islam Siddiqui**

Baschu/21.10.09.

Read by;

Exmn. By;

প্রত্যায়িত অবিকল প্রতিলিপি

21.10.09

সহকারী সেক্রেটারী  
বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগ  
(১৮-৭২ ইং সনের ১নং আওতাধীন)  
৭৬ ধারামতে ক্ষমতায়িত