

পাঁচ
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বাংলাদেশ
কোর্ট ফি

২০/১৪৭৪১/১
২২-৫-১৮, ২২-৫-১৮, ২২-৫-১৮, ২৩-৫-১৮, ২৩-৫-১৮

IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. 4793 of 2018

IN THE MATTER OF:

An application under Article 102 (1) and Article 102(2) (a) (i) and Article 102 (2) (a) (ii) of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

Bangladesh Environmental Lawyers Association (BELA), a society registered under the Societies Registration Act, 1860, having its office at House No. 15A, Road No. 3, Dhanmondi, P.S. Dhanmondi, Dhaka being represented by its' Chief Executive Syeda Rizwana Hasan, Advocate, Supreme Court of Bangladesh.

.....Petitioner.

-Versus-

1. Government of Bangladesh represented by the Secretary, Ministry of Land, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka.
2. The Secretary, Ministry of Environment and Forest, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka.
3. The Director General, Department of Environment, 16-E, Sher-E-Bangla Nagar, Agargaon, Dhaka.
4. The Deputy Commissioner, Office of the Deputy Commissioner, Jessore.
5. The Superintendent of Police, Office of the Police Superintendent, Jessore District.
6. The Upazila Nirbahi Officer, Office OF Upazila Nirbahi Officer, Keshobpur Upazila, Jessore.
7. The Director, Department of Environment, Jessore District Office, DIG (Prison) Road, Shekhhati, Jessore.
8. The Chairman, Upazilla Parishad, Keshobpur, Jessore.
9. The Assistant Commissioner (Land), Keshobpur Upazilla, Jessore.



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10. The Upazilla Agricultural Officer, Keshobpur Upazilla, Jessore.
11. The Officer-in-Charge, Keshobpur Police Station, Jessore.
12. Proprietor, Messer's Super Bricks, Village Satbariya, Keshobpur, Police Station, Keshobpur, Jessore.

.....Respondents.

AND

IN THE MATTER OF:

Articles 18A, 31, 32 and 42 of the Constitution of the People's Republic of Bangladesh; the Local Government (Union Parishads) Act, 2009; the Bangladesh Environment Conservation Act, 1995; the Bangladesh Environment Conservation Rules 1997 made thereunder; the Brick Manufacturing and Kiln Establishment (Control) Act, 2013; Penal Code, 1860; the circular issued by respondent No. 1 dated 25 July, 1990 being memo No. Bhu Ma/Shah-10/HuDa/Shadharan-17/90/572(64)-akuin.

AND

IN THE MATTER OF:

Unlawful setting up of and unauthorized operation of a brick manufacturing unit namely Messer's Super Bricks by respondent No. 12 in the agricultural lands of daag No. 4157, khatian 1504 of the Satbariya Mouza of Uttar Satbariya Village, Keshobpur Upazila, Jessore District without obtaining legally mandatory Environment Clearance Certificate and license.

Present:

Mr. Justice Moyeenul Islam Chowdhury.

-And-

Mr. Justice Md. Ashraf Kamal.

The 09th day of April, 2018.

Mr. Ali Mustafa Khan, Advocate.

.....For the Petitioner.

Mr. Md. Motaher Hossain (Sazu), DAG with

Mr. Muhammad Jaber, DAG,

Ms. Purabi Rani Sharma, AAG.

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Ms. Purabi Saha, AAG and

Mr. Md. Mizanur Rahman, AAG.

.....For the respondents.

Let a Rule Nisi be issued calling upon the respondents to show cause as to why the establishment of the brickfield, namely, M/S Super Bricks by the respondent no. 12 on B.S. Plot No. 4157, Khatian No. 1504 of Satbariya Mouza, Police Station – Keshabpur, District-Jessore without obtaining necessary licenses and clearance certificates and being within prohibited proximity of agricultural lands being violative of the provisions of applicable laws should not be declared to be without lawful authority and of no legal effect and why the respondents should not be directed to take effective and appropriate measures to remove the brickfield from its sites and/or such other or further order or orders passed as to this Court may seem fit and proper.

However, in order to meet the emergent situation, the respondent nos. 4, 5 and 11 are hereby directed to stop all the activities of M/S Super Bricks being carried out by the respondent no. 12 on B.S. Plot No. 4157, Khatian No. 1504 of Satbariya Mouza, Police Station Keshabpur, District-Jessore for a period of 6(six) months and to submit their respective reports to this Court on 28.06.2018 by swearing Affidavits-in-Compliance.

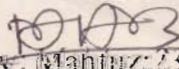
The Rule is returnable within 4(four) weeks from date.

The petitioner is directed to put in requisites for service of notices upon the respondents by registered post as well as through usual process within 3(three) working days, failing which, the Rule shall stand discharged.

Put up the record on 02.07.2018 for passing necessary orders.

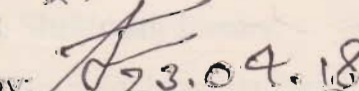
M.I. Chowdhury.

Md. Ashrafur Kamal.

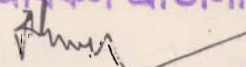
Typed by:  Mahtuz: 23.04.2018.

Read by:  23-4-18

Exam by:

Readied by:  23.04.18

প্রত্যয়িত অনিকল প্রতিলিপি



23-4-18

সহকারী রেজিস্ট্রার
বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিজয়
(১৮৭২ ইং সনের ১নং আইসের)
৭৬ ধারামতে কামতা প্রাপ্ত

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