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IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

**WRIT PETITION NO. 1567 OF 2014**

In the matter of:

An application under Article 102 (2)(a)(i) 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 Residential Area, P.S. Dhanmondi, Dhaka being represented by its Chief Executive, Syeda Rizwana Hasan, Advocate, Supreme Court of Bangladesh.

.....Petitioner.

-Versus-

1. Bangladesh, represented by the Secretary, Ministry of Land, Government of the Peoples Republic of Bangladesh, Bangladesh Secretariat, Dhaka.
2. The Secretary, Ministry of Environment and Forest, Government of the Peoples Republic of Bangladesh, Bangladesh Secretariat, Dhaka.
3. The Secretary, Ministry of Water Resources, Government of the Peoples Republic of Bangladesh, Bangladesh Secretariat, Dhaka.
4. The Secretary, Ministry of Fisheries and Livestock, Government of the Peoples Republic of Bangladesh, Bangladesh Secretariat, Dhaka.
5. The Secretary, Local Government, Rural Development and Co-operatives, Government of the Peoples Republic of Bangladesh, Bangladesh Secretariat, Dhaka.
6. The Director General, Department of Environment (DoE), 16 E. Agargoan, Sher-e-Banglanagar, Dhaka.
7. The Director-General, Bangladesh Water Development Board, WAPDA Building (2<sup>nd</sup> Floor), Motijheel, C/A, Dhaka
8. Deputy Commissioner, Office of the Deputy Commissioner, Rajshahi.
9. Deputy Commissioner, Office of the Deputy Commissioner, Natore.
10. Deputy Commissioner, Office of the Deputy Commissioner, Patna
11. Deputy Commissioner, Office of the Deputy Commissioner, Sirjgonj.





12. The District Fisheries Officer, Office of the District Fisheries Officer, Noorpur, Pabna.
13. The Director, Department of Environment (DoE), Rajshahi Division, Nishindara, Bogra.
14. Upazilla Fisheries Officer, Office of Upazilla Fisheries Officer, Chatmohor Upazilla, Pabna. ....Respondents.

And

In the matter of:

Articles 13, 21, 18A, 31 and 32 of the Constitution of the Peoples Republic of Bangladesh, the Protection and Conservation of Fish Act, 1950 and the Protection and Conservation of Fish Rules, 1985, the Bangladesh Environment Conservation Act, 1995 and the Environment Conservation Rules, 1997 made thereunder, the Land Management Manual, 1990, the Bangladesh Water development Board Act, 2000, the Bangladesh Water Act, 2013, জাতীয় নদী রক্ষা কমিশন আইন, ২০১৩, the Jomohai Management Policy, 2009 and other applicable laws and policies.

And

In the matter of:

Protecting the Boral river by demarcating the river as per the C.S. maps and /or current flow, protecting the same from contrary uses like leasing out for commercial fisheries and otherwise, removing / altering all harmful structures obstructing the River with its source, contributory water bodies and branches and determining the required environmental flow of the said River.

And

In the matter of:

Directing upon the respondents to immediately develop a time bound action plan to comply with the recommendations of the 7 Member Committee of the Task Force (as of Annexure E) and also for widening Kamardoho to Kachuati canal and expanding the Golakata Bridge to allow Boral to flow through Charghat to Hurasagor.

**Present**

**Mr. Justice Mirza Hussain Haider.**

**And**

**Mr. Justice Muhammad Khurshid Alam Sarkar.**

**The 19<sup>th</sup> day of February, 2014.**





Mr. Md. Iqbal Kabir, Advocate

.....For the petitioner

Mr. Al Amin Sarker. D.A.G

.....For the Respondents.

Let a Rule Nisi be issued calling upon the Respondents to show cause as to why they shall not be directed to restore and protect the Boral river (Annexures- A, A-1 and B respectively) by demarcating the same as per the CS Map and /or current flow protecting the same from contrary uses like leasing out for commercial fisheries and otherwise, removing / altering all harmful structures obstructing the river as mentioned in Paragraphs no. 13, 14, 19 and 21 of the writ petition and reconnecting the river with its source, contributory water bodies and branches as mentioned in Paragraphs 7 and 9 of the writ petition and also why they shall not be directed to ensure the required environmental flow of the said river and/or pass such other or further order or orders as to this Court may seem fit and proper.

The Rule is made returnable within 04(four) weeks from date.

Pending hearing of the Rule, the respondents are hereby directed to submit a time bound action plan to comply with the recommendations of the 7 Member Committee of the Task Force (Annexure- E) for widening the Kamardoho to Kachuati canal and thereby expanding the Golakata bridge to allow the Boral river to flow through Charghat to Hurasagor and submit the report thereof before this Court within 06(six) weeks from date.

Let the notice of this Rule be served upon the respondents in usual course and also by registered post immediately on two sets of requisites being put in within 72 hours.

**M. H. Haider.**

**M. K. A. Sarkar.**

Sumon/26.02.2014

Read by:

*Gaining Sult*  
26/2/14

Exd by:

*Mia Al Amin*

Readied by:

26.2.14

*[Signature]*

প্রত্যয়িত অবিকল প্রতিলিপি

*[Signature]*

26.02.14

সহকারী রেজিস্ট্রার

বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিডায়

(১৮৭২ ইং সনের ১নং আইনের)

৭৬ ধারামতে কর্মতা প্রাপ্ত

*[Signature]*  
নোয়াবান  
সিনিয়র সুপারিনটেন্ডেন্ট