



19-12-17, 19-12-17, 19-12-17, 20-12-17, 20-12-17

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(SPECIAL ORIGINAL JURISDICTION)  
**WRIT PETITION NO. 16898 of 2017.**

IN THE MATTER OF:

An application under Article 102 (1) 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. 15/A, Road No. 3, Dhanmondi Residential Area, P.S. Dhanmondi, Dhaka being represented by its' Chief Executive, Syed Rizwana Hasan, Advocate, Supreme Court of Bangladesh.

.....Petitioner.

-Versus-

1. Bangladesh, represented by its Secretary, Ministry of Land, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka.
2. The Mayor, Dhaka City Corporation (North), 81 Gulshan Avenue, Gulshan, Dhaka 1212.
3. The Mayor, Dhaka City Corporation (South) Nagar Bhaban, Dhaka.
4. The Secretary, Ministry of Environment and Forest, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka
5. the Secretary, Ministry of Water Resources, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka.
6. The Secretary, Ministry of Housing and Public Works, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka.
7. The Chairman, National River Protection Commission, 2/3 RAJUK Avenue, Motijheel Dhaka.
8. The Director General, Department of Environment (DoE), 16-F Agargaon, Sher-e-Bangla Nagar, Dhaka.
9. The Managing Director, Dhaka Water Supply and Sewerage Authority, WASA Bhaban, Karwan Bazar, Dhaka.

১/৯





10. The Chairman, Rajdhani Unnayan Kartipakkha (RAJUK), RAJUK Baban, P.S-Motijheel, Dhaka.
11. The Director General, Bangladesh Water Development Board, Wapda Bhaban, Motijheel, Dhaka.
12. The Deputy Commissioner, Office of the Deputy Commissioner, Dhaka.
13. The Dhaka Metropolitan Police Commissioner, Office of the Dhaka Metropolitan Police, 36 Captain Monsur Ali Sarani, Dhaka-1000.

.....Respondents.

AND

IN THE MATTER OF:

Articles 18A, 31, 32 and 42 of the Constitution of the Peoples' Republic of Bangladesh; the Bangladesh Environment Conservation Act, 1995 and the Rules of 1997 made thereunder; the Bangladesh Water Development Board Act, 2000; the Bangladesh Water Act, 2013; the Town Improvement Act, 1953; Dhaka Master Plan; জাতীয় নদী রক্ষা কমিশন আইন, ২০১৩; মহানগরী, বিভাগীয় শহর ও জেলা শহরের পৌর এলাকাসহ দেশের সকল পৌর এলাকার খেলার মাঠ, উন্মুক্ত স্থান, উদ্যান এবং প্রাকৃতিক জলধার সংরক্ষণ আইন, ২০০০ and all other applicable laws and policies.

AND

IN THE MATTER OF:

Protection and restoration the 50 canals of Dhaka (as Annexures-"E" and "E-1") by demarcating the same as per their original flows; removing all encroachments and structures including box culverts from the said Canals, and protecting them under a time bound action plan.

**Present:**

**Mr. Justice Moyeenul Islam Chowdhury.**

And

**Mr. Justice J. B. M. Hassan.**

**The 04<sup>th</sup> day of December, 2017.**

Mr. Ali Mustafa Khan, Advocate.

..... For the Petitioner.

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

Ms. Parabi Saha, AAG and

Ms. Parabi Saha, AAG and





Mr. Md. Mizanur Rahman, A.A.G.

..... for the Respondents.

Let a Rule Nisi be issued calling upon the respondents to show cause as to why their inaction/failure in protecting the canals as evidenced by Annexure-'E' and 'E-1' to the writ petition from encroachments, obstructions and pollutants should not be declared to be without lawful authority and of no legal effect and why the respondents should not be directed to protect and restore the canals to their original positions by removing the encroachments, obstructions and pollutants therefrom 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. 2, 3, 8, 9, 10, 11 and 12 are hereby directed to submit reports on the present status of the canals referred to in Annexure-'E' and 'E-1' to the writ petition incorporating therein time-bound action plans for recovering and restoring the canals to their original positions by demarcating their areas as per their original flows and proposing necessary steps for the purpose of removing the encroachments, regulating the pollutants and ensuring proper maintenance of the canals to this Court through swearing Affidavits-in-Compliance within 6 (six) months from the date of service of a copy of this order.

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

The petitioners are 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.

Let a copy of this order be immediately transmitted to the respondent Nos. 2, 3, 8, 9, 10, 11 and 12 each for information and necessary action.

Put up the record on 01.07.2018 for passing necessary orders.

M. I. Chowdhury.

J. B. M. Hassan.

Type by: A. Mdin: 19.12.2017.

Read by: Saiful 19.12.17

Exm. by: 19.12.17

Readied by: 20.12.17

9/4

মোঃ আব্দুর রশিদ  
প্রশাসনিক কর্মকর্তা

মোঃ বেহসন হোসেন  
সুপারিনটেন্ডেন্ট

প্রত্যয়িত অবিকৃত প্রতিলিপি

20.12.17  
সহকারী রেজিস্ট্রার

বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগ  
(১৮-৭২ ইং সনের ১নং আইনের)  
৭৬ ধারামতে ক্ষমতা প্রাপ্ত

"দেশপোহের শরণ নিহা..."