



14.12.23, 14.12.23, 14.12.23, 14.12.23, 14.12.23

IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. 14729 of 2023.

IN THE MATTER OF:

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

AND

IN THE MATTER OF:

Articles 15, 18A, 31 and 32 of the Constitution of the People's Republic of Bangladesh; the Bangladesh Environment Conservation Act, 1995 (Act No. I of 1995) and the rules made there under; Act No.36 of 2000; Land Management Manual 1990; State Tenancy and Acquisition Act, 1950; the Bangladesh Water Act, 2013 and the rules made there under, and other applicable laws and policies.

AND

IN THE MATTER OF:

Inaction of the Respondents to reclaim and restore 5.46 acres of Chingoria Khal (measuring 6.88 acres) and river land in S.A. Dag No. 441, 443, 526, 842 of Khepupara Mouza (Annexure-B), Kolapara Upazila, Patuakhali District including their failure to cancel the illegal settlement of 5.46 acres of Chingoria Khal vide Mise. Case No. No.82-K/1980-1981, 90-K/1986-87, and their failure to take necessary legal action against judgment and decree dated 14.05.1996 passed by learned Sub-Ordinate Judge, Artha Rin Adalat, Patuakhali in Title Appeal No. 18 of 1995 dismissing the appeal and affirming judgment and decree dated 29.11.1994 passed by the Assistant Judge, Kolapara, Patuakhali in title Suit No. 02 of 1994.

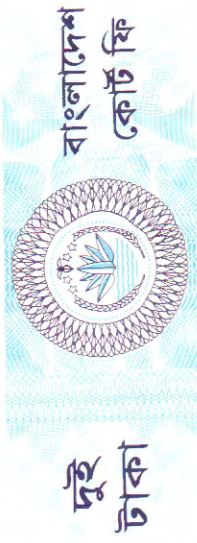
AND

IN THE MATTER OF

For directions upon the respondents to reclaim, restore 5.46 acres of Chingoria Khal (Measuring 6.88 acres) and river land in S.A Daag No. 441, 443, 526, 842 of Khepupara Mouza (as to Annexure "B"), Kolapara Upazilla, Patuakhali District and rectify the land

“দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন”

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records that unlawfully changed the said land classification from khal and river to nal by cancelling the unlawful settlement of 5.46 acres of the Chingoria khal as nal land by virtue of Miscellaneous Case No. 82- K/1980-1981, 90-K/1986-87, to so-called landless people (the impugned cases).

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 Lawyer, S. Hassanul Banna, 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 - 1000.
2. The Secretary, Ministry of Environment, Forest and Climate Change, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka -1000.
3. The Chairman, National River Conservation Commission, 166 Hossen Tower, Bir Protik Golam Dastagir Road, Nayapaltan, Dhaka.
4. The Mayor, Kolapara Paurashava, Patuakhali.
5. The Director General, Department of Land Record and Survey, 28 Shahid Tajuddin Ahmed Sarani, Tejgaon, Dhaka.
6. The Director General, Department of Environment (DoE), 16-E Agargaon, Sher-e-Banglanagar, Dhaka.
7. The Deputy Commissioner, Office of the Deputy Commissioner, Patuakhali.
8. The Superintendent of Police, Office of the Superintendent of Police, Patuakhali.
9. Additional Deputy Commissioner (Revenue), Office of the Deputy Commissioner, Patuakhali.
10. The Upazilla Nirbahi Officer, Office of Upazilla Nirbahi Officer, Kolapara Upazilla, Patuakhali.

২/৮
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11. The Deputy Director, Department of Environment (Patuakhali District Office), Patuakhali.

12. The Assistant Commissioner (Land), Office of Assistant Commissioner, Kolapara Upazilla, Patuakhali.

.....Respondents.

Present

Mr. Justice Mustafa Zaman Islam.

And

Mr. Justice Md. Atabullah.

The 03rd day of December, 2023.

Mr. Shamim Nasrin, Advocate

...for the petitioner

Mr. Tushar Kanti Roy, D.A.G with

Mr. Md. Salim Azad, A.A.G with

Ms. Anis ul Mawa, A.A.G

..for the Respondents

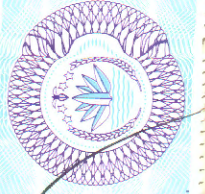
Let a Rule nisi be issued calling upon the respondents to show cause as to why the inaction of the respondents to reclaim and restore 5.46 acres of Chingoria Khal (measuring 6.88 acres) and river land in S.A. Daag No. 441, 443, 526, 842 of Khepupara Mouza (as of Annexure-B) Kolapara Upazila, Patuakhali District including their failure to cancel the illegal settlement of 5.46 acres of Chingoria Khal vide Misc. Cases no. 82-K/1980-1981, 90-K/1986- 1987 in favour of 2(two) individuals, and their failure to take necessary legal action against judgment and decree dated 14.05.1996 passed by learned Subordinate Judge, Artha Rin Adalat, Patuakhali in Title Appeal no. 18 of 1995 dismissing the appeal and affirming judgment and decree dated 29.11.1994 passed by the Assistant Judge, Kolapara, Patuakhali in Title Suit no. 02 of 1994 being violative of articles 15, 18A, 31 and 32 of the Constitution and other applicable laws and policies, shall not be declared malafide, illegal and against public interest and why the respondents shall not be directed to reclaim, restore 5.46 acres of Chingoria Khal (Measuring 6.88 acres) and river land in the said Daag of Khepupara Mouza of Kolapara

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বাংলাদেশ
কোর্ট ফি



দুই
টাকা

Upazila, Patuakhali District rectify the land records that unlawfully changed the said land classification from khal and river to nal by cancelling the unlawful settlement of the same by virtue of the aforesaid Misc, cased to so-called landless people in greater public interest should not be declared to have been made without lawful authority and is of no legal effect and/or such other or further order or orders passed as to this court may seem fit and proper.

The Rule is made returnable within 4 (four) weeks.

Pending hearing of the Rule, the respondent no. 7 and 12 are directed to submit a comprehensive report about i) all land records of the S.A. Daag no. 441, 443, 526 and 842 Khepupara Mouzaof Kolapara Upazilla, Patuakhali District (annexure-B)' to this Writ Petition and ii) the progress made in cancelling the settlement (annexure-J) and submit the same before this Court within 06(six) months from date of receipt of this order.

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

The respondent no. 7 and 12 are directed to file affidavit- in-compliance thereof will in specified time.

Mustafa Zaman Islam.

Md. Atabullah.

Typed by: Rabiul: 14.12.2023.

Read by:

Exam by:

Readied by:

প্রত্যায়িত অবিকল প্রতিলিপি

সহকারী রেজিস্ট্রার
বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগ
(১৮৭২ ইং সনের ১নং আইনের
৩৬ ধারামতে ক্ষমতা প্রাপ্ত)

১৪-১২-২৩
রফিকুল আমিন
প্রশাসনিক কর্মকর্তা

১৪-১২-২৩
মোঃ রফিকুল ইসলাম খান
সুপারিনটেন্ডেন্ট

“দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন”