



২৭-৮-২৩, ২৭-৮-২৩, ২৭-৮-২৩, ২৭-৮-২৩, ২৭-৮-২৩

IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. 7052 of 2023.

IN THE MATTER OF:

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

AND

IN THE MATTER OF:

Articles 18A, 31 and 32 of the Constitution of the People's Republic of Bangladesh the Bangladesh Environment Conservation Act, 1995 and the Environment Conservation Rules, 2023 made there under; Medical waste Management Rules, 2008; Solid Waste Management Rules, 2021 জাতীয় নদী রক্ষা কমিশন আইন, 2013; Act No.36 of 2000; the Bangladesh Water Act, 2013; and Rules made there under; the Bangladesh Water Development Board Act, 2000; the Local Government (Paurshova) Act, 2009; the Land Management Manual, 1990, and other applicable laws and policies.

AND

IN THE MATTER OF:

Protecting the Labundha River by demarcating the same as per the CS, RS maps and its original flow; removing all encroachments from the said River; identifying the existing sources of pollution and preventing the same; preventing new encroachments over and sources of pollution to the said River; declaring and managing the said River as Ecologically Critical Area under section 5 of the Environment Conservation Act, 1995.

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-

“দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন”





1. Bangladesh, represented by the Secretary, Ministry of Environment, Forest and Climate Change, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka-1000.
2. The Secretary, Ministry of Water Resources represented by the Secretary, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka-1000.
3. Ministry of Land, represented by the Secretary, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka-1000.
4. Local Government Department, Ministry of Local Government, Rural Development and Co-operatives represented by the Secretary, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka-1000.
5. The National River Conservation Commission represented by the Chairman, 166 Hossain Tower, Bir Protik Golam Dastagir Road, Nayapaltan, Dhaka.
6. The Department of Environment (DoE) represented by Director General, 16-E Agargoan, Sher-e-Banglanagar, Dhaka.
7. The Bangladesh Water Development Board represented by Director General, WAPDA Building, 72 Green Road, Dhaka.
8. The Deputy Commissioner, Office of the Deputy Commissioner, Gazipur.
9. The Superintendent of Police, Office of the Police Superintendent, Gazipur.
10. The Director, Department of Environment, Gazipur District Office, House no. 48/14 (2nd floor) Block -A, Sardi Road Chandana, Joydebpur, Gazipur.
11. The Upazilla Nirbahi Officer, Office of Upazilla Nirbahi Officer, Sreepur, Gazipur.
12. Sreepur Paurshova, Gazipur represented by the Mayor.
13. The Chairman, Upazilla Parishad, Sreepur, Gazipur.
14. The Upazilla Health and Family Planning Officer, Sreepur Government Health Complex, Sreepur, Gazipur.
15. Salvo Chemical Ltd. represented by the Managing Director, Nayanpur, Sreepur, Gazipur.
16. Crown Wool Wear represented by the Managing Director, Mawna, Sreepur, Gazipur.
17. Ceramics represented by the Managing Director, BoherarChala, Mawna, Sreepur.
18. Meghna Knit Composite represented by the Managing Director, Gorgoria, Masterbari Sreepur, Gazipur.
19. Aman Cotton represented by the Managing Director, Sreepur, Gazipur.
20. Hams Washing represented by the Managing Director, Sreepur, Gazipur.

২/৬ “দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন”





21. Paramount Textile represented by the Managing Director, Sreepur, Gazipur.
22. Dard Composite represented by the Managing Director, Rajabari, Sreepur, Gazipur.
23. Dignity Textile Limited represented by the Managing Director, Betjhuri, Bairagir Chala, Sreepur, Gazipur.
24. Ishraq Spinning Mill represented by the Managing Director, Madkhola, Keora East Part, Sreepur, Gazipur.

... Respondents

**Present:**

**Mrs. Justice Farah Mahbub**

and

**Mr. Justice Muhammad Mahbub UI Islam**

The 31<sup>st</sup> day of July, 2023.

Mr. Ashraf Ali with  
Mr. Minhazul Hoque Chowdhury, Advocates and  
Ms. Shamima Nasrin, Advocate

.....For the Petitioner

Mr. Samarendra Nath Biswas, D.A.G. with  
Mr. Md. Abul Kalam Khan (Daud), A.A.G.with  
Mr. Md. Modersher Ali Khan (Dipu), A.A.G.and  
Mr. Md. Taufiq Sajawar (Partho), A.A.G.

....For the Respondents-government.

Let a Rule Nisi be issued calling upon the respondents to show cause as to why the failure of the respondents concerned to protect "Labundha River" from pollution and encroachments, shall not be declared to have been done without lawful authority and hence, is of no legal effect and also, as to why they shall not be directed to declare and manage "Labundha River" flowing through Gazipur District as Ecological Critical Area under Section 5 of the Environment Conservation Act, 1995, protect the said river by demarcating its boundary as per the C.S. maps and original flows, remove the encroachments from the said river and prevent pollution of the said River in due compliance of law, and or such other or further order or orders passed as to this court may seem fit and proper.

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**"দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন"**





বাংলাদেশ  
কোর্ট ফি



দুই  
টাকা

Pending disposal of the Rule, the respondents Nos. 5, 6,8 and 10 are directed to prepare a report comprising complete list of encroachers and polluters of the said river after holding due inquiry in accordance with law.

The respondent Nos. 6 and 10 are also directed to monitor and ensure round the clock operation of ETPs and installation of other appropriate pollution fighting devices of all industries around the said river including respondents No.15-24 as per provision Sections 4(1), 4(2) (uma) of “বাংলাদেশ পরিবেশ সংরক্ষণ আইন, ১৯৯৫”

Said respondents are also directed to test the water quality of “River Labundha” regularly and submit the said report by filing affidavit of compliance to that effect in every 6(six) months from the date of receipt of the copy of this order.

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

Let the notice be served upon the respondents by usual course as well as by registered post with acknowledgment receipt at the costs of the petitioner.

Farah Mahbub

Muhammad Mahbub UI Islam

Typed by: Sayed: 27.08.2023

Read by: 27.08.23

Exam.by: 27-8-23

Readied by:

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27.8.23  
রফুল আমিন  
প্রশাসনিক কর্মকর্তা

27.8.23  
Md. Shariful Alam  
Superintendent

প্রত্যায়িত অবিকল প্রতিলিপি

27.8.23  
সহকারী রেজিস্ট্রার  
বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগ  
(১৮৭২ ইং সনের ১নং আইনের  
৭৬ ধারামতে ক্ষমতা প্রাপ্ত)

“দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন”