



15-6-06, 15-6-06, 15-6-06, 15-6-06, 15-6-06

In the Supreme Court of Bangladesh

High Court Division.

(Special Original Jurisdiction)

Writ Petition No.4884 of 2006.

In the matter of:

An application under Article 102 of the Constitution of the Peoples Republic of Bangladesh.

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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, Dhannondi Residential Area, P.S.Dhannondi, Dhaka Being represented by its Director Program S.Rizwana Hasan.. Petitioner.

-Versus-

1. The Mayer, Rajshahi City Corporation, Rajshahi,
2. Government of Bangladesh, represented by the Secretary, Ministry of Land, Government of the People's of Bangladesh, Bangladesh Secretariat, P.S.Ranna, Dhaka.
3. The Secretary, Ministry of Water Resources, Government of the Peoples Republic of Bangladesh, Bangladesh Secretariat, P.S.Ranna, Dhaka.
4. The Secretary Ministry of Environment and Forest, Government of the Peoples Republic of Bangladesh, Bangladesh Secretariat, P.S.Ranna, Dhaka.
5. The Director General, Department of Environment, Paribesh Bhaban, E-16, Sher-o-Bangla Nagar, Agargaon, Dhaka.
6. The Chairman, Rajshahi Development Authority, RDA Bhaban, Rajshahi
7. The Chairman, Bangladesh Water Development Board, WAPDA Building,



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Building, Metijheel Commercial Area, Dhaka.

8. The Deputy Commissioner, Office of the Deputy Commissioner, District-Rajshahi.

9. The ~~RM~~ Police Commissioner, Rajshahi Metropolitan Police, C&B Road Rajshahi.

10. The Superintendent Engineer, Bangladesh Water Development Board, Rajshahi.

11. The Executive Engineer, Bangladesh Water Development Board, Rajshahi.

.. Respondents.

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In the matter of:

The Mines Act, 1923 and the Rules made thereunder. The Embankment and Drainage Act, 1952, the Bangladesh Environment Conservation Act, 1995 and the rules made thereunder, Land Management Manual, 1990, The Rajshahi Development Authority Ordinance, 1976, the Rajshahi City Corporation Act, 1987, the Rajshahi Metropolitan Police Act, 1992, the Bangladesh Water Development Board Act, 2000 and the Rajshahi Metropolitan Development plan (2004- 2024).

A n d

In the matter of:

Eviction of illegal encroachments and establishments from the Town protection Embankment and the bank of the river Padma by identified persons/ agencies (as of Annexures -E-1,M) and also to prevent/regulate all such activities including unauthorized extraction of sands from the said river and passage of heavy vehicles over the Embankment that ~~xxx~~ threaten the existence of the Embankment in contravention of Articles 13,15,21,31,32 and 40 of the Constitution of Peoples Republic of Bangladesh and applicable laws including the Mines Act, 1923 and

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and the rules made there under, the Embankment and Drainage Act, 1952, the Bangladesh Environment Conservation Act, 1995, Land Management Manual, 1990, the Rajshahi Development authority ordinance 1976, the Rajshahi City Corporation Act, 1987, the Bangladesh Water Development Board Act, 2000 and the Rajshahi Metropolitan Development Plan (2004-2024).

Present:

Mr. Justice Syed Muhammad Dastagir Husain.

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Mr. Justice Manneen Rahman.

The 25th day of May, 2006.

Mr. Obaidul Hassain Shaheen with

Mr. M. Iqbal Kabir ... for the Petitioner.

Let a Rule Nisi be issued calling upon the Respondents to show cause as to why the impugned failure to protect the banks of the river Padma and the Rajshahi Town Protection Embankment from encroachments by unauthorized persons, extraction of sands prohibited -a proximity from the Embankment and plying of heavy vehicles over the Embankment thereby threatening the River Padma and the Embankment shall not be declared to have been without lawful authority and why they should not be directed to take immediate appropriate measures for removing the illegal encroachments and establishments (as of Annexure-E-1, M and all other encroachments) from the ~~gixx~~ river bank of Padma and the Rajshahi Town protection for protecting and maintaining the ~~xix~~ river side and the Embankment in a manner best suited in the public interest and/or pass such other or further order or orders as to this Court may seem fit and Proper.

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The Rule is made returnable within 3(three) weeks from dated.

S.M.D.Husain.

Mamnoon Rahman.

F.Rahman- 15.6.06.

Read by - *[Signature]*

Exod by - *[Signature]*

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প্রত্যাগিত অবিকল প্রতিলিপি

[Signature] 15/6/06

সহকারী জজিষ্টার

বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিল্ডিং

১৮-১২ ইংল্যান্ড স্ট্রীট, ঢাকা-১০০০

১৯৯৬ সালের ১৯শে জুন তারিখ

15-6-06
[Signature]