



21-3-07, 21-3-07, 21-3-07, 21-3-07, 21-3-07

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(SPECIAL ORIGINAL JURISDICTION)

Writ Petition No. 2013 of 2007

In the matter of:

An application under Article 102 of the Constitution of the People's Republic of Bangladesh.

- And -

In the matter of:

Local Government (Union Parishads) Ordinance, 1983 the Bangladesh Environment Conservation Act, 1985 and the Environment Conservation Rules of 1997 made thereunder the Brick Burning (Control) Act, 1989, the Smoke Nuisance Act 1905. Penal Code, 1860, circular of respondent No. 1 dated 25.7.90 bearing memo No. BhuMa/Pa-10/HuDa/Shadhara-17/90/572 (64) akuin, circulars of respondent No. 2 dated 20.10.2002 memo No. PaBaMa-4/7/123/2002/912 dated 6.11.2002 memo No. Padma (Sha-3/63/2002/759 and dated 31.03.03 memo No. PaBaMa-4/7/123/2003/(Angsho-1348.

-And -

In the matter of:

Bangladesh Environmental Lawyers Association (BELA) an organization registered under the Societies Registration Act, 1862 having its Office at House No.15/A, Road No. 3, Dhanmondi R/A. Dhaka represented by its Director (Programs) Syeda Rizwana Hasan ..... Petitioner

- Versus -

1. The Secretary, Ministry of Land Government of the People's Republic of Bangladesh, Bangladesh Secretariat P.S. Ramna, Dhaka
2. The Secretary, Ministry of Environment and Forest, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, P.S. Ramna Dhaka
3. Director General, Department of Environment, 16-E, Sher-E-Bangla





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Nagar Agargaon, Dhaka

4. Divisional Commissioner, Barisal Division, Divisional Commissioner, Office, Barisal
5. The Deputy Commissioner, Office of the Deputy Commissioner, Barisal and Member Secretary, Local Advisory Committee on Brick-Fields Barisal
6. The Deputy Director, Department of Environment Barisal Division, Fakir Bari Road, Barisal Sadar, Barisal
7. The Superintendent of Police Office of the Police Superintendent District Barisal
8. The Upazila Nirbahi Officer, UNO Office Bakergonj Upazila, Barisal
9. Abdul Malek Mir, Proprietor M/S. Balaka Bricks Village- Bagdia, Union -on Kalashkatthi, Upazila Bakergonj, District Barisal
10. Abdul Wahab Hawlader, Proprietor M/s. Star Bricks Village Bagdia, Union Kalashatthi Upazila Bakergonj, District Barisal
11. Abdul Wahab Hawlader, Proprietor M/s. Baba Bricks, village Bagdia Bagdia, Union Kalashkatthi, Upazila Bakergonj, District-Barisal
12. Md. Mukter Hawlader, Proprietor M/s. One Nipa Bricks, village Saddis Union Kalashkatthi, Upazila Bakergonj, district Barisal
13. Sultan Kha Proprietor M/s. K. Bata Bricks village Bagdia Bagdia Union Kalashkatthi, Upazila Bakergonj District-Barisal
14. Abdul Latif Meer, Proprietor, M/s. One Star Brick Fields, village Khudrakatthi Union Koloshkatthi Bakergonj, District-Barisal
15. Haji <sup>Abdul</sup> Malek Meer, Proprietor M/s Rony Bricks, village and union Koloshkatthi, Upazila Bakergonj district Barisal
16. Syed Rafiqul Islam Proprietor M/s Rakib Enterprise village Union Kalashkatthi Upazila Bakergonj, District Barisal
17. Shah Jahan Hawlader, Proprietor M/s. S Bata Bricks Village and Union Kalashkatthi, Upazila Bakergonj, District Barisal





18. Sohrab Hossain Khan, Proprietor M/s. K Star Bricks, Village and Union Koloshkatthi, Union Kalashkatthi, Upazila Bakergonj, District-Barisal

19. Md. Habibur Rahman, Proprietor M/s. KRDP Bricks, Village Noth Narayangol, Union Kalashkatthi, Upazila Bakergonj district Barisal

20. Abdul Jabbar Hawlader, Proprietor M/s. Bengal Bricks Village Khurda katthi ~~xxxx~~ Union Koloshkatthi, Upazila Bakergonj, District Barisal

21. Abdul Barek Mollik, Proprietor M/s. M. Star Bricks, Village and Union Kolashkatthi, Upazila Bakergonj, District Barisal

22. Kalipad Shaha, Proprietor M/S<sup>S</sup> Rata Bricks, Village and Union Koloshkatthi, Upazila Bakergonj district Barisal

23. Md. Jashimuddin Hawladar, Proprietor M/s. Raja Bricks, Village Diatoli, Union Kalashkatthi, Upazila Bakergonj District-Barisal

24. Abdul Khaleque Akon, Proprietor M/s. Rupa Bricks, Village-Diatoli, Union Koloshkatthi, Upazila Bakergonj, District Barisal

25. Syed Siddiqur Rahman, Proprietor M/s. Hero Bricks, Uttar Naryangal, Union Koloshkatthi, Upazila Bakergonj, District-Barisal

26. Md. Hanif Hawladar, Proprietor M/S. Hanif Bricks Village Bagdia Union Koloshkatthi Upazila Bakergonj, District Barisal

27. Shwapan Kumar Das, Proprietor M/S. Royal Bricks Village Bhandarikat-tthi, Union Koloshkatthi, Upazila Bakergonj, District-Barisal

28. Md. Reza Mosharef Proprietor M/S. Reza Bricks, Village- Durgapur Union Kalashkatthi, Upazila Bakergonj, District Barisal

29. Md. Sultan Hawlader, Proprietor M/s. H Bata Bricks village ~~Bar~~ Bagdia Union Kalashkatthi Upazila Bakergonj, District Barisal.

- And -

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Respondents

In the matter of:





- 4 -

In the matter of:

Illegal establishment and/or operation of the ~~brick~~ brick manufacture fields/kilns by respondent Nos. 9-29 in the Koloshkathi Union under Bakergonj Upazilla, District Barisal in violation of the provisions of the Local Government (Union Parishads) Ordinance, 1983 the Bangladesh Environment Conservation Act, 1995 and the Environment Conservation Rules of 1997 made thereunder the Brick Burning (Control) Act, 1989, the Smoke Nuisance Act, 1905, Penal Code 1860 and circular of the respondent No. 1 dated 25-7-90 bearing Memo No. BhuMa/Pa-10/HuDa/Shad-haran-17/90/572 (64)-akuin, circulars of respondent No. 2 dated 20.10.2002 memo No. PaBaMa-4/7/123/2002/912 dated 6.11.2002 memo No. Padma (Sha-3)63/2002/759 and dated 31.03.03 memo No. PaBaMa-4/7/123/2003/(Angeha-1)348.

Present:

Mr. Justice Syed Mahmud Hossain

And

Mr. Justice Quamrul Islam Siddiqui

The 12th March, 2007

Mr.Md. Iqbal Kabir .... For the petitioner


Let a Rule Nisi issue be issued calling upon the respondents to show cause as to why the establishment and operation of the listed brick manufacturing fields/kilns as referred to in Paragraph 13 of the Writ Petition should not be declared to be without lawful authority 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 from date.

S.M.Hossain

Quamrul Islam Siddiqui

Women/21.3.07

Read by: 

Exd. by: 