



পাঁচ  
টাকা

বাংলাদেশ  
কোর্ট ফি

দুই টাকা

২২-০৭-২৫, ২২-০৭-২৫, ২২-০৭-২৫, ২২-০৭-২৫, ২২-০৭-২৫,

(৩২)

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

WRIT PETITION NO.16222 of 2023

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:

Articles 7, 18A, 21, 31 and 32 of the Constitution of the People's Republic of Bangladesh; the Bangladesh Environment Conservation Act, 1995 and the Rules of 2023 made thereunder; the Bangladesh Water Act, 2013 and the Rules of 2018 made thereunder; the Town Improvement Act, 1953; the Detailed Area Plan (DAP), 2016-2035 notified in the official gazette on 23 August, <sup>2022 under</sup> section 73 of the Town IMPROUMENT ACT, 1953 বেসরকারী আবাসিক প্রকল্পের ভূমি উন্নয়ন বিধিমালা, ২০০৪; রিয়েল এস্টেট উন্নয়ন ও ব্যবস্থাপনা আইন, ২০১০; মহানগরী, বিভাগীয় শহর ও জেলা শহরের পৌর এলাকাসহ দেশের সকল পৌর এলাকার খেলার মাঠ, উন্মুক্ত স্থান, উদ্যান এবং প্রাকৃতিক জলাধার সংরক্ষণ আইন, ২০০০; Judgment dated 8 June, 2011 passed in Writ Petition No. 6072 of 2010 and all other application laws and policies.

AND

IN THE MATTER OF:

For directions upon the respondents to protect and conserve the *Bamni Khal* situated in RS *daag* No. 1, 70 of Chandulla Mouza, RS *daag* No.365, 390 of Konda Mouza and in RS *daag* No. 5 of Kandi Bollarpur Mouza (as of

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Annexures “F-2”, “F-3” and “F-4”) and adjacent agricultural lands of Mouzas Konda and Chandulla of Savar Upazilla, District Dhaka.

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 Lawer, S. Hassanul Banna, Advocate, Supreme Court of Bangladesh. And others.

...Petitioners

**VERSUS**

1. Bangladesh, represented by its Secretary, Ministry of Land, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka.
2. The Ministry of Agriculture, represented by the Secretary, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka-1000.
3. The Ministry of Housing and Public Works, represented by the Secretary Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka-1000.
4. The Ministry Environment, Forest and Climate Change represented by the Secretary Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka.
5. The National River Conservation Commission represented by the Chairman, NSC Tower (16<sup>th</sup> Floor), 62/3, Purana Paltan, Dhaka-1000.

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6. The Rajdhani Unnayan Kartipakkha (RAJUK) represented by the Chairman, RAJUK Bhaban, P.S. Motijheel, Dhaka.
7. The Department of Environment (DoE) represented by the Director General, 16-E Agargoan, Sher-e- Banglanagar, Dhaka.
8. The Bangladesh Water Development Board represented by Director General, WAPDA Building, 72 Green Road, Dhaka.
9. The Deputy Commissioner, Office of the Deputy Commissioner, Dhaka.
10. The Superintendent of Police, Office of the Superintendent of Police, Dhaka.
11. The Chief Town Planner, Rajdhani Unnayan Kartipakkha (RAJUK), RAJUK Bhaban, P.S. Motijheel, Dhaka.
12. The Deputy Director, Department of Environment (Dhaka District), 16-E Agargoan, Sher-e-Banglanagar, Dhaka.
13. The Upazilla Nirbahi Officer, Savar, Dhaka.
14. The Assistant Commissioner (Land) Savar, Dhaka.
15. The Managing Director, ZamZam Noor Housing Limited, Chandulia, Savar Dhaka.
16. The Managing Director, S A Housing Limited, Konda, Savar Dhaka.
17. The Managing Director, Sugandha Property Development Limited, Chandulia, Savar Dhaka.

.....Respondents.

**Present:**

**Mr. Justice Mustafa Zaman Islam**

**-And-**

**Mr. Justice Md. Atabullah**

**The 14<sup>th</sup> day of January, 2024.**

**৩/৪ “দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন”**



দুই  
টাকা

Ms. Shamima Nasrin, Advocate

.....For the Petitioners

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

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

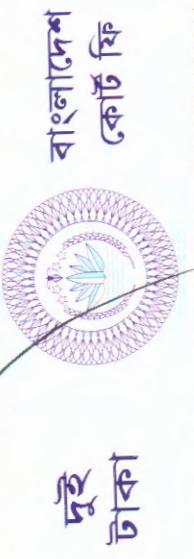
Ms. Anisul Mawa, A.A.G

Let a Rule Nisi be issued calling upon the respondent to show cause as to why their failure to protect and conserve the Bamni Khal situated in RS Dagg No. 1, 70 of Chandulia Mouza, RS Daags No. 365, 390 of Konda Mouza and in RS Daag No. 05 of Kandi Bolierpur Mouza (as of Annexures F2 and F3) of Khatian 1 and adjacent wetlands and agricultural lands of Mouzas Konda and Chandulia of Savar Upazila, District-Dhaka from unauthorized filling up by respondent nos. 15,16 and 17 for their housing projects namely Zam Zam Noor City, S A Housing and Sugandha Housing being violative of the provisions of Articles 18A, 31, 32 and 42 of the Constitution of the People's Republic of Bangladesh and other applicable laws and policies, shall not be declared unauthorized, illegal, and against public interest and why they shall not be directed to restore and protect the Bamni Khal, the adjoining wetlands and agricultural lands in the Mouzas Konda and Chandulia of Savar Upazilla, District Dhaka as mandated in the applicable laws, rules and plans and/or pass such other or further order or orders as to this Court may seem fit and proper.

The Rule is returnable within 4 (four) weeks.

Pending hearing of the Rule, pass an interim order of injunction directing the respondent Nos. 6, 7, 8 and. 9 to prevent all actions of respondent Nos. 15, 16, 17 with regard to their unauthorized housing projects including earth-filling and also submit before this court a report. within such time frame as may be fixed by this Court, the quantum of lands

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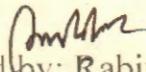


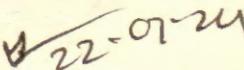
already filled in by Respondent Nos. 15, 16 and 17 for their unauthorized project in accordingly with law.

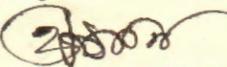
The petitioner is directed to put in requisites for service of notice upon the respondents through registered post and in usual course.

Mustafa Zaman Islam.

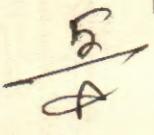
Md. Atabullah.

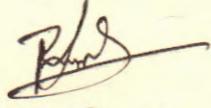
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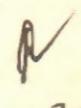
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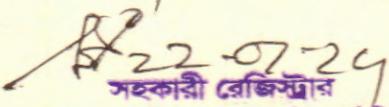
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Readied by: 22.01.24



  
22-01-24  
রবিুল আমিন  
ক্যান্সেলার কর্মকর্তা

  
22-01-24  
রবিুল ইসলাম খান  
সুপারিনটেন্ডেন্ট

প্রত্যায়িত অবিকল প্রতিশ্রুতি  
  
22-01-24  
সহকারী রেজিস্ট্রার  
বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিজ্ঞান  
(১৮৭২ ইং সনের ১নং আইনের  
৩৬ ধারামতে ক্ষমতা প্রাপ্ত)

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