



30-5-12, 30-5-12-30-5-12, 31-5-12, 31-5-12

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

Present:
Mr. Justice A.H.M. Shamusddin Choudhury
And
Mr. Justice Gobinda Chandra Tayore

WRIT PETITION NO. 11210 OF 2006.

IN THE MATTER OF :

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

AND

IN THE MATTER OF :

Bangladesh Environmental Lawyers
Association (BELA) Petitioner

-Versus-

Bangladesh represented by the Secretary,
Ministry Of Land Bangladesh Secretariat,
Dhaka and others Respondents
Mr.M. Iqbal Kabir Advocates

For the Petitioner
Mr.A.B.M.Alt. F. Hossain, D.A.C.

For Respondents

Heard and Judged on 8th of June, 2011.

A.H.M. Shamusddin Choudhury, J:

The Rule was issued on 29th of November, 2006 in following terms:

"Let a Rule Nisi be issued calling upon the respondents to show
cause as to why the impugned cutting and razing of hills located at R.3
Dag of .8001 Khatian No.647 of Mouza Jilanja, District Cox's Bazar, the
impugned allotment of 51 acres of land in favour of so-called Cox's Bazar
Zilla Collector Karmakarta/Karmachari Sbc monroy Parishad in pursuance



of settlement case No.3/2006 and the impugned failure of the respondents to prevent the unauthorized and unlawful cutting of hills and clearing of forest by respondent No.8 in the Ecological Critical Area and protected Forest of R.S. Dag No.8001, Khatia No 547 of Mouza Jilanja, District Cox's Bazar shall not be declared to have been without lawful authority and unlawful manner and why the respondents shall not be directed to take immediate appropriate protection and corrective measures for maintaining the said protected forest and ECA area in such manner as required in the Forest Act, 1927, the Environment Conservation Act, 1995 and the Rules made there under and/or pass such other or further order or orders as to this Court may seem fit and proper.

The petitioner made the following arguments;

The petitioner is Bangladesh Environmental Lawyers Association, hereinafter referred to as BELA, a society registered under the Societies Registration Act, 1860.

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The district of Cox's bazaar is known for its panoramic natural beauty. Because of the extended sea beach and the hilly surroundings with thick forest cover, the coastal district of Cox's Bazar has become the most popular tourist spot of the country and has rightly been described by the Bangladesh Parjatan Corporation as the tourist capital of Bangladesh.

Unfortunately, in recent times, many of the popular tourist spots of Cox's Bazaar are fast losing their attractions due to unregulated tourism, unauthorized establishments and grabbing or mismanagement of public resources, often originating from gross abuse of power by the public authorities and/or their negligence to protect the same.

Considering the deteriorating state of the ecology of the Cox's Bazaar sea beach and the surrounding hilly areas, respondent No.2, in exercise of its powers under Section 5 of the Environment Conservation Act, 1995, declared 10,465 hectares of land within the Cox's Bazaar, Khurushakul and Jilanja Mouzas in Cox's Bazaar Upazilla as Ecologically

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