

In the Supreme Court of Bangladesh
High Court Division
(Special Original Jurisdiction)

Present
Mr. Justice Sikder Mahmudur Razi
And
Mr. Justice Raziuddin Ahmed

Writ Petition No. 5592 of 2025

In the matter of:

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

In the matter of:

Sayed Shahin Ara Laily.

----- Petitioner.

-Versus-

The Government of the People's Republic
of Bangladesh and others.

-----Respondents.

Mr. Omar Faruq, Advocate with
Mr. Aklas Uddin Bhuiyan, Advocate
..... For the petitioner.

Mr. Md. Jasim Uddin, Advocate

-----For the respondent No.09.

Mr. Mohammad Mehdi Hasan, DAG with
Mr. Mohammad Rashedul Hasan, DAG with
Mr. Kamrul Islam, AAG with
Mr. Md. Shagar Hossain, AAG with
Mr. Bishwanath Karmaker, AAG with
Mr. S.K. Obaidul Haque (Wasim), AAG
---- For the Respondents-Government.

Heard and Judgment on: 19.11.2025

Sikder Mahmudur Razi, J.

In this writ petition a Rule Nisi was issued in the
following terms:-

*“Let a Rule Nisi be issued calling upon the respondents to
show cause as to why inaction/failure of the respondents to
stop illegal/unauthorized Brick Manufacturing and Brick*

kiln establishment within the Cumilla Adarsha Sadar village Kalikapur, 06 No. Jagannathpur Union, Ward No.4, M/S BMB Bricks and Cumilla District area, Cumilla and as to why a direction should not be given upon the respondents to take necessary measures to shut down the operation of the illegal/unauthorized Bricks Manufacturing and Bricks Kiln Establishment within the Cumilla Adarsha Sadar, village- Kalikapur 06 No. Jagannathpur Union, Ward No.4, M/S BMB Bricks and Cumilla District and to save the environment/Forest and to stop air pollution and health hazards of the citizen living in their localities should not be declared to have been done without lawful authority and is of no legal effect and/or such other or further order or orders passed as to this Court may seem fit and proper”.

At the time of issuance of the Rule, the respondent No. 2 was directed to dispose of the petitioner’s representation dated 25.02.2025 as evident from Annexure-D within 30 (thirty) days from the date of receipt of a copy of the order, in accordance with law.

Facts, gleaned from the substantive petition as well as the application and other affidavits filed by both the parties, that the respondent No. 9 is the owner of the Brickfield, namely; M/s BMB Bricks and the respondent No. 9 was operating the Brickfield in question on obtaining necessary license and

permission from the concerned authorities as well as the respondent No. 9 had Environmental Clearance Certificate in their favour last of which was extended from 01.10.2023 to 11.08.2024.

In this back drop some of the inhabitants of the locality filed an application before the respondent No. 2 on 25.02.2025 bringing some allegations in respect of the location of the Brickfield in question and by the said application they also prayed for taking necessary action alleging the Brickfield in question violates some of the provisions of the পরিবেশ সংরক্ষণ আইন, ১৯৯৫ and ইট প্রস্তুত ও ভাটা স্থাপন (নিয়ন্ত্রণ) আইন ২০১৩। They also a similar type of application before the Deputy Commissioner of Cumilla on 16.02.2025.

Eventually, the Environmental Clearance Certificate that was issued in favour of the respondent No. 9 has been cancelled on 07.07.2025. The learned Advocate for the petitioner although submits before this court that their applications still remains pending, but from the cancellation order dated 07.07.2025, it appears that in all considerations the purpose for which the said application was filed has been accomplished which in fact make the instant Rule without any efficacy.

It further appears that against the Environmental Clearance Certificate cancellation order the respondent No. 9 has already filed an appeal before the respondent No. 1 which is pending for

disposal. Therefore, in all consideration of the matter the instant Rule basically has become infructuous since the Environmental Clearance Certificate issued in favour of the respondent No. 9 has already been cancelled which was the ultimate demand of the petitioner.

Be that as it may, the instant Rule is hereby disposed of.

However, the respondent No.1 is at liberty to dispose of the appeal independently and in accordance with law.

Let a copy of the judgment and order be communicated at once to all concerned including the respondents.

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(Sikder Mahmudur Razi, J.)

I agree

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(Raziuddin Ahmed, J.)