



IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

Suo Moto Rule 44 of 2012

IN THE MATTER OF:

The State

.... Petitioner.

-VERSUS-

Government of Bangladesh and others.

.... Respondents'.

Present:

Mr. Justice Mirza Hussain Haider

And

Mr. Justice Muhammad Khurshid Alam Sarkar.

The 21st day of April, 2013.

Mr. Khondker Shahriar Shakir, Advocate,

.....for Respondent No. 14 & 15 applicants.

Mr. Al Amin Sarker D.A.G. Advocate.

.....Present in court.

By filing this application, the added respondents No. 14 and 15 prayed for vacating the interim order dated 7.6.2012 passed in this writ petition to the extent of directive No. 11 as given upon Respondents' No. 1 to 6, so far as it relates to be vehicle of the present applicants (Respondents No. 14 & 15) under registration No. Dhaka Da-0269 and thereby allow the applicants to run drive their aforesaid CNG Auto Rickshaw within Dhaka City.



The learned advocate upon referring to the application submits that the applicants No. 1) Respondent No. 14) being the father of applicant No.2 (Respondent No.15) purchased the said vehicle (CNG) autho-rickshaw) for the purpose of using the same by his disabled daughter (applicant No.2) which carries her from one place to another place as she is both mentally and physically a disabled lady. As such the said applicant No.2 has a special fascination for that particular vehicle. When she does not find her special vehicle to carry her she becomes unruly beyond control which also aggravates her sickness. Referring to the case of Md. Sarwar Hossain and others in Civil Petition for Leave to Appeal No. 1549 of 2012 Mr. Shakir Submits that on 03.07.2012 the Hon'ble Chamber Judge of the Appellate Divisions stayed the High Court's aforesaid order dated 7.6.2012, so far it relates to the said respondents and as such they are running their C.N.G Autorickshaw. Accordingly, he submits that the present applicants are also entitled to get similar order s prayed for in this application for the sake of the disabled lady.

Considering the submissions stated above and considering the fact that the applicants are using the special vehicle for the movement of the disabled respondent No.15, we find substance in the prayer.

Hence the application is allowed. The interim order dated 7.6.2012, so far it relates to 'not allowing any motor cab rickshaw popularly known as CNG auto richshaw registered as 'private' bearing registration numbers, other than Dhaka Metro to ply on the Dhaka Metropolitan City roads and streets, which are not registered for the Metropolitan area, be vacated, so far as it relates to the CNG Autorickshaw bearing registration No. Dhaka Da-0269 owned by the applicants , Respondent No. 14 and 15 only

M.H.Haider
M.K.A. Sarkar

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বাংলাদেশ সুপ্রীম কোর্ট, হাজারগাতি বিকাল
(১৮৭২ সনের ১লা ফাল্গুন)
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