



14-05-09, 14-05-09, 14-05-09, 14-05-09, 14-05-09

IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION No. 2813 OF 2009.

In the matter of:

An application under Article 102 read with Article 44 of the Constitution of the People's Republic of Bangladesh ("the Constitution").

-And-

In the matter of:

Article 27 and 31 of the Constitution .

-And-

In the matter of:

Articles 109, 114 and 115 of the Constitution.

-And-

In the matter of:

Section 1(2) of The Family Courts Ordinance, 1985 (Ordinance No. XVIII of 1985).

-And-

In the matter of:

Section 8(2) (4) of The Chittagong Hill Tracts Regulation, 1900 (Inserted by Act 38 of 2003).

-And-

In the matter of:

Direction upon the respondents to establish Family Courts, extending applicability of the Family Courts Ordinance, 1985 in 3(three) Hill Districts Rangamati Hill Tract, Bandarban Hill Tract and Khagrachari Hill Tract.

-And-

In the matter of:



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1. Bangladesh Legal Aid and Services Trust (BLAST) 141/1 Segun Bagicha-Dhaka-1000 represented by its Executive Director, Mohsin Ali Khan.
2. Ain O Salish Kendra (ASK), 26/3 Purana Paltan Line, Police Station-Paltan, Dhaka-1000 represented by its Executive Director, Sultana Kamal.....Petitioners.

-Versus-

1. Bangladesh, represented by the Secretary, Ministry of Law Justice and Parliamentary Affairs, Government of the People's Republic of Bangladesh, Secretariat Building 4, Ramna, Dhaka-1000.
2. The Secretary, Ministry of Chittagong Hill Tracts affairs, Government of the People's Republic of Bangladesh, Secretariat Building 4, Ramna, Dhaka-1000.
3. The Secretary, Ministry of Establishment, Government of the People's Republic of Bangladesh, Secretariat Bhaban, P.S. Ramna, Dhaka-1000.
4. The Registrar, Supreme Court of Bangladesh, Ramna, Dhaka.
5. District Judge, Rangamati Hill District.
6. District Judge, Bandarban Hill District.
7. District Judge, Khagrachari Hill District.
8. Deputy Commissioner, Rangamati Hill District.
9. Deputy Commissioner Bandarban Hill District.
10. Deputy Commissioner, Khagrachari Hill District.....Respondents.

Present:

Mr. Justice A. B. M. Khairul Haque

-And-

Mr. Justice Md. Mamtaz Uddin Ahmed

The 3rd day of May, 2009.

Mr. Idrisur Rahman with

Mr. Md. Taufiqul Islam and

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Mr. Md. Hafijur Rahman, Advocates.....for the petitioner.

Let a Rule Nisi be issued calling upon the respondents to show cause as to why the (1 Section 1(2) of The Family Courts Ordinance, 1985 should not be declared void and ultra vires as the same is inconsistent with the Constitution of the People's Republic of Bangladesh (ii) why they should not be directed to take immediate steps extending applicability of the Family Courts Ordinance, 1985 in the Rangamati Hill Tract, Bandarban Hill Tract and Khagrachari Hill Tract Districts 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 3(three) weeks from date.

Requisites to be put in at once.

Let the Rule be fixed for hearing on 24.5.2009.

A. B. M. Khairul Haque

Md. Mamtaz Uddin Ahmed

B.Banu

B.Banu/ 14.05.09

Read by:

Exam by:

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প্রত্যায়িত অবিকল প্রতিলিপি

14.5.09

সহকারী রেজিস্ট্রার

বাংলাদেশ সূর্যম কোর্ট, হাইকোর্ট বিভাগ

(১৮৭২ ই ৫ সনের ১নং আইনের)

৭৬ ধারামতে ক্ষমতা প্রাপ্ত

১৪/৫/০৯

১৪/৫/০৯