

**IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(Special Original Jurisdiction)**

**WRIT PETITION NO. 10393 OF 2016**

**In the matter of:**

An Application under article 102 of the  
Constitution of the People's Republic of  
Bangladesh.

And

**In the matter of:**

C.M. Mazharul Haque

... Petitioner

-Versus-

Bangladesh, represented by the secretary  
Ministry of Land, Secretariat Building, Ramna,  
Dhaka and others.

... Respondents

Mr. Md. Mainul Islam, Advocate with

Mr. Md. Rbiul Hasan, Advocate

..For the petitioner

Mr. Syed Ejaz Kabir, DAG

with

Mr. Mohammad Imam Hossain, DAG

with

Ms.Mahbuba Tasnim Akhi, AAG and

Mr. Mustafizur Rahman Mukul, AAG

...For the government

**Heard on 10.11.2025, 13.11.2025**  
**and Judgment on 13.11.2025**

**Present:**

Mr. Justice Md. Mozibur Rahman Miah

And

Mr. Justice Rezaul Karim

**Md. Mozibur Rahman Miah, J.**

On an application under article 102 of the Constitution of the People's Republic of Bangladesh, a Rule Nisi was issued calling upon the respondents to show cause as to why the judgment and order dated 05.04.2016 passed by the respondent No. 5 in Miscellaneous Case No. 237 of 2015 (Annexure-D to the writ petition) and Memo No. 31.03.2692.003.14.013.16-709 dated 20.06.2016 (Annexure-F-1 to the writ petition) signed by the Deputy Director (সেঃ অঃ) of Land Record and Settlement Directorate, *Satrasta*, (সাতরাঙ্গা) Tejgaon, Dhaka should not be declared to have been passed 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, this court also stayed operation of the impugned judgment and order dated 05.04.2016 for a period of 06(six) months which was lastly extended on 02.10.2019 till disposal of the rule.

The short facts leading to issuance of the instant rule are:

On the back of recording 75 decimals of land out of RS plot No. 110,111,112 in the name of the petitioner, C.M. Mazharul Haque in the initial 'land survey' (মাঠ জরিপ) as well as in the stage of "attestation", (সত্যায়ন) the government initially filed an objection case before the objection officer under rule 30 of State Acquisition and Tenancy Rule, 1955 (shortly Rules of 1995) which was rejected on contest against the petitioner when the present respondent no. 1 preferred an appeal under rule 31 of the said Rules of 1955 and became unsuccessful in the appeal

as well. Feeling aggrieved, the respondent no. 1, then filed an application before the respondent no. 5 under rule 42(A) of the said rule of 1955 which gave rise to Miscellaneous Case No. 237 of 2015 and vide impugned judgment and order dated 05.04.2016 the said Miscellaneous Case was allowed (which has been annexed as of Annexure-‘D’ to the writ petition). Against that order the present petitioner then filed an application under rule 44 of the Rules of 1955 which was also rejected vide order dated 20.06.2016. Challenging those 2 orders, the petitioner has filed the instant writ petition and obtained rule and order of stay as has been stated herein above. It is worthwhile to mention here that earlier both the learned counsel for the petitioner and that of the learned Deputy Attorney General made exhaustive argument in support and against the rule. However, at the fag end of the hearing, it has been informed by the learned counsel for the petitioner and that of learned Deputy Attorney General, that they lastly got information that meantime final record in respect of the suit property has been published in the name of the government in khas khatian no. 1. We then deferred the hearing and fixed today for furnishing latest information about the status of the suit land. Today, when we took up the matter for hearing, the learned Deputy Attorney General by supplying us the photocopy of the khatian no. 1 published in respect of said RS plot Nos. 110,111,112 submits, that in the event of final publication of the record of right, the instant writ petition has become infructuous as the judgment and orders impugned in the writ petition passed under rule 42(A) and rule 44 of Rules of 1955 has been

implemented through final publication of BS record in the name of the government in khas khatian no. 1 and prays for disposing of the rule.

On the contrary, Mr. Mainul Islam, the learned counsel appearing for the petitioner has concurred with the said submission in view of publishing final gazette notification in respect of 75 decimals of land on which the petitioner filed the instant writ petition.

However, the learned counsel contends that, the petitioner may be given an opportunity to challenge the said final publication in view of expiry of the time limit to challenge such B.S record in the Land Survey Tribunal so have been provided in sub section 6 and 7 of section 145A of the State Acquisition and Tenancy Act, 1950.

We have considered the submission so advanced by the learned counsel for the petitioner and that of the learned Deputy Attorney General. We have also perused the photocopy of the gazette notification supplied today by the learned Deputy Attorney General which we find to have prepared in khas khatian no. 1. Both the learned counsels in unison admits that moment the record is finally published, then there has been no scope to sustain the rule rather it should be disposed of in the light of latest position of the suit land. However, since sub section 6 and 7 of section 145A of the Act of 1950 clearly stipulates about the period of limitation to file any suit before the Land Survey Tribunal, so this court has got no authority to make any direction upon any court of law to entertain any suit if filed going beyond limitation. The petitioner is at liberty to take legal recourse to that effect. In view of the above observation we are thus disposed of the rule.

Accordingly, the rule is disposed of however without any order as to costs.

At any rate, the interim order passed at the time of issuance of the rule as well as extended from time to time stands recalled and vacated.

Let a copy of this judgment and order be communicated to the respondents forthwith.

**Rezaul Karim, J.**

I agree.