

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

**Writ Petition No. 5214 of 2017.**

**IN THE MATTER OF:**

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

-And-

**IN THE MATTER OF:**

Government of Bangladesh represented by the  
Deputy Commissioner, Cumilla  
...Petitioner

**-V E R S U S-**

The learned Judge, Land Survey Tribunal,  
Cumilla and others.

.....Respondents

Mr. Sk. Shaifuzzaman, DAG with  
Ms. Rehana Sultana, AAG and  
Mr. Md. Samiul Alam Sarkar, AAG and  
Ms. Zulfia Akhter, AAGs

.... For the petitioner

**Present:**

***Mr. Justice K.M. Kamrul Kader***

***And***

***Mr. Justice Khizir Hayat***

**Heard and Judgment On: 07.12.2023.**

**K. M. Kamrul Kader, J :**

On an application under Article 102 of the Constitution of the People's Republic of Bangladesh this Rule Nisi was issued on 13.04.2017, in the following terms:

*“Let a Rule Nisi be issued calling upon the respondents No.13 to show cause as to why the judgment and decree dated 18.11.2014 (decree signed on 23.11.2014) passed by the learned Judge, Land Survey Tribunal, Cumilla in Land Survey Tribunal Suit No.469 of 2013 decreeing the suit and directing to amend the record of right and to record the name of the plaintiff in respect of 03 decimals of land from khatian No.1, Dag No.607 by deleting the same from khatian No.1 by inserting the word null instead of ‘pathway’ by opening a separate khatian and also to correct the nature of the land of dag No.569 under B.S. khatian No.220 by inserting the word ‘null’*

*instead of 'river' (Annexure-B and B-1) should not be declared to have been issued without lawful authority and is of no legal effect and/or such other or further order or orders pass as to this Court may seem fit and proper."*

This Rule Nisi was issued on the ground that the Government has not yet been established any Land Survey Appellate Tribunal under Section 145B of the SAT Act. Due to this reason, the petitioner has failed to redress his grievance by filing appeal against the order, judgment and decree passed by the concerned Tribunal.

Mr. Sk. Shaifuzzaman, learned Deputy Attorney General submits that the government has already been published Gazette for establishing Land Survey Appellate Tribunal in different districts and the petitioner of the writ petition may redress his/her grievance by filing appeal, before the respective Land Survey Appellate Tribunal of the respective districts and as such, he prays for discharging the Rule.

It appears that in the meantime the Government has already established the Land Survey Appellate Tribunal in the respective districts vide Gazette notification dated 11.07.2023 to hear the appeal arising out of judgment and decree and/or order of the Land Survey Tribunal in different districts. Considering the facts and circumstances of the matter, we are of the view that the petitioner may redress his grievance by filing appeal, before the Land Survey Appellate Tribunal, Brahmanbaria and as such, the Rule issued by this Court has become infructuous.

In the result, the Rule is discharged without any order as to costs. The petitioner is at liberty to prefer appeal within 03(three) months from

date, if any, before the Land Survey Appellate Tribunal and in preferring such appeal delay occurred, if any, shall be condoned.

In the meantime, the order of *stay and status quo* granted at the time of issuance of the Rule shall continue till filing of the appeal before the Land Survey Appellate Tribunal or 03(three) months from the date of receipt of this order, whichever is earlier.

The learned Advocate for the petitioner is permitted to take back the certified copies of the annexures, if any, by substituting the Photostat copy of the same.

Send down the Lower Court's Records and communicate the judgment and order at once.

**Khizir Hayat, J:**

I agree.