

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

**Writ Petition No. 7504 of 2018**

IN THE MATTER OF:

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

-And-

IN THE MATTER OF:

Md. Siddiquir Rahman and others

.....Petitioners

-Versus-

The Government of the People's Republic of Bangladesh, represented by the Secretary, Ministry of Energy & Mineral Resource, Bangladesh Secretariat, Dhaka and others

.....Respondents

No one appears .....For the petitioners

Mr. Md. Jashim Uddin, Advocate

..... For the respondent No. 2

**Present**

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

**And**

**Mr. Justice Mohammad Ali**

**Heard on 19.10.2022 and Judgment on 04.01.2023**

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

On an application under Article 102 of the Constitution of the People's Republic of Bangladesh Rule was issued on 30.05.2018 in following terms:-

*“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the inaction of the respondent No. 2 to dispose of the application dated 06.05.2018 filed by the petitioners (Annexure-C) should not be declared to have been done without lawful authority and*

*is of no legal effect and as to why a direction shall not be given upon the respondent No. 2 to dispose of the application dated 06.05.2018 filed by the petitioners (Annexure-C) and as to why a direction shall not be given upon the respondents to connect the gas line of residential houses of the petitioners and/or pass such other or further order or orders as to this court may seem fit and proper.*

Facts, relevant for disposal of the Rule, are that, the petitioners as applicants filed an application to the respondent No. 2 company namely Bakhrabad Gas Distribution Company Limited for gas line connection in their residential houses. Accordingly, the respondent No. 2 allowed the said applications and issued demand note and requesting them to pay connection fees, security deposits etc. Next, the petitioners as per demand notes paid the same. Thereafter, the Bakhrabad Gas Distribution Company Limited gave gas line connection to residential houses of the petitioners and the petitioners have been paying gas bill regularly to the Company. The petitioner Nos. 1-4 paid gas bill till April, 2018 and the petitioner Nos. 5-7 paid gas bill till March, 2018 and the petitioners are also willing/ready to pay out standing gas bill, if any.

In the meantime, on 16.04.2018 the Bakhrabad Gas Distribution Company Limited disconnected the gas line connection of the petitioners without issuing any show cause notice. Thereafter, the petitioners filed an application on 06.05.2018 to the respondent No. 2 requesting them to re-connection the gas line

to the residential houses of the petitioners, but the respondent No. 2 did not pay any heed to it.

Being aggrieved by and dissatisfied with the inaction of the respondents, having no other alternative equally efficacious remedy, the petitioners preferred this instant writ petition before this Court and obtained the instant Rule.

Mr. Md. Jashim Uddin, the learned Advocate appearing on behalf of the respondent No. 2 by filing an affidavit-in-opposition opposes the Rule and submits that the writ petitioner is not maintainable as the subject matter is a disputed question of facts. He further submits that the subject matter clearly falls under the realm of contractual obligations. There is an arbitration clause provided under clause 11.9 of the Gas Biponon Niomaboli, 2014 and as such without exhausting aforesaid arbitration clause. The petitioner filed this writ petition before this court and as such, he prays for discharged the Rule.

Heard the learned Advocate for the respondents and perused the application and other material on record. It appears from the record that the respondent No. 2 has issued demand note and requesting them to pay the connection fees, security money etc. According to the demand note the petitioners have paid all requisite fees. As per rules, they are entitled to get Gas connection in their residential house. We also noticed that petitioners are filed application dated 06.05.2018 requesting them to re-connect the Gas line connection in their residential house but the respondent are sitting idle without disposing the same.

Considering the facts and circumstances, we are of the view that justice would be better served if we direct the respondent No. 2 to dispose of the petitioners' application dated 06.05.2018 (Annexure-C to the writ petition).

Accordingly, the Rule is disposed of with direction. The respondent No. 2 is hereby directed to dispose of the petitioners' application dated 06.05.2018 (Annexure-C to the writ petition) within 01 (one) month from the date of receipt of this order, in accordance with law, without fail.

Communicate at once.

**Mohammad Ali, J:**

I agree.