

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

**WRIT PETITION NO. 5983 of 2019**

**IN THE MATTER OF:**

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

-AND-

**IN THE MATTER OF:**

Mushammat Nurun Nehar

....Petitioner

-Versus-

Government of the People's Republic of Bangladesh,  
represented by the Secretary, Ministry of Law Justice and  
Parliamentary Affairs, Bangladesh Secretariat, Paltan, Dhaka  
and others

....Respondents

Mr. Surojit Bhattacharjee, Advocate

....For the petitioner

Mr. Md. Anichur Rahman Khan, D.A.G with

Mr. Sultan Mahmood Banna, D.A.G with

Mr. Mir Moniruzzaman, A.A.G with

Mr. Md. Saruwar Alam Khan, A.A.G

....For the respondents

Heard on 12.11.2025

**Judgment delivered on 12.11.2025**

**Present:**

Mr. Justice Md. Shohrowardi

And

Mr. Justice Dihider Masum Kabir

**Md. Shohrowardi, J.**

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

“Let a Rule Nisi be issued calling upon the respondents to show  
cause as to why the judgment and decree dated 24.03.2019  
(decree signed on 31.03.2019) passed by the Judge (Joint District  
Judge), Land Survey Tribunal, Sylhet in Land Survey Tribunal  
Suit No. 467 of 2014 dismissing the suit (Annexure-A & A-1)  
should not be declared to have been made 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.”

In the application, it has been stated that appellate tribunal was not established by the government following the provision made in section 145B (1) of the State Acquisition and Tenancy Act, 1950.

It appears that by the State Acquisition and Tenancy Act, 1950 (Amendment Act, 2023), the Government set up the Land Survey Appellate Tribunal in each District, empowering the District Judge to hear the appeal arising out of the judgment, decree, or order passed by the Land Survey Tribunal. Although at the time of issuance of the Rule, there was no forum to prefer an appeal against the impugned judgment and decree passed by the Land Survey Tribunal, now an alternative forum is available to the petitioner to file an appeal against impugned judgment and decree dated 24.03.2019 passed by the learned Judge (Joint District Judge), Land Survey Tribunal, Sylhet in Land Survey Tribunal Suit No. 467 of 2014 dismissing the suit. Therefore, there is no scope to dispose of the Rule considering merit.

Since the Land Survey Appellate Tribunals have been set up by amending the said Act, the petitioner is at liberty to file an appeal against the impugned judgment and decree passed by the learned Judge (Joint District Judge), Land Survey Tribunal, Sylhet before the Land Survey Appellate Tribunal, Sylhet, within 3(three) months from the date.

The parties are directed to maintain the status quo regarding possession and position of the suit land till the said period of 3(three) months.

In the result, the Rule is disposed of with the above direction and observation.

However, there will be no order as to costs.

The petitioner is at liberty to take back the certified copy, substituting the photocopies thereon.

Communicate the judgment and order to the concerned Court below at once.

Dihider Masum Kabir, J.

I agree.