

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

WRIT PETITION NO. 5142 of 2019

IN THE MATTER OF:

An Application under Article 102 (2) (a) (ii) of the Constitution
of the People's Republic of Bangladesh

-AND-

IN THE MATTER OF:

Mst. Jahanara Khatun and others

....Petitioners

-Versus-

The Judge, Land Survey Tribunal, Jessore and others

....Respondents

Mr. Md. Uzzal Hossain, Advocate

....For the petitioners

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 impugned order dated 17.01.2018 passed by the Land Survey Tribunal, Jessore in Land Survey Tribunal Suit No. 82 of 2015 setting aside ex-parte decree of the suit (Annexure-F to the writ petition) should not be declared to have been passed without lawful authority and is of no legal effect and/or pass such other or further order or orders as to this Court may seem fit and proper.”

In the application, it has been stated that no appellate tribunal was 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 order passed by the Land Survey Tribunal, now an alternative forum is available to the petitioners to file an appeal against impugned judgment and order dated 17.01.2018 passed by the Land Survey Tribunal, Jessore in Land Survey Tribunal Suit No. 82 of 2015 setting aside ex-parte decree. 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 petitioners are at liberty to file an appeal against the impugned judgment and order passed by the Land Survey Tribunal, Jessore before the Land Survey Appellate Tribunal, Jessore, within 3(three) months from the date.

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

However, there will be no order as to costs.

The petitioners are 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.