

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

Writ Petition No. 582 of 2009
with
Writ Petition No. 3168 of 2009
with
Writ Petition No. 3906 of 2009
with
Writ Petition No. 3907 of 2009
with
Writ Petition No. 4075 of 2009
with
Writ Petition No. 4196 of 2009
with
Writ Petition No. 4198 of 2009
with
Writ Petition No. 4807 of 2009
with
Writ Petition No. 5441 of 2009
with
Writ Petition No. 5445 of 2009
with
Writ Petition No. 7034 of 2009
with
Writ Petition No. 7692 of 2009
with
Writ Petition No. 7859 of 2009
with
Writ Petition No. 8465 of 2009
with
Writ Petition No. 121 of 2010
with
Writ Petition No. 123 of 2010
with
Writ Petition No. 130 of 2010
with
Writ Petition No. 627 of 2010
with
Writ Petition No. 702 of 2010
with
Writ Petition No. 795 of 2010
with
Writ Petition No. 1129 of 2010
and
Writ Petition No. 1303 of 2010

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:

Md. Nurul Islam

....Petitioner (in W.P No. 582 of 2009)

Versus

The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and others

....Respondents (in W.P No. 582 of 2009)

Mr. Md. Akter Rasul, Advocate with

Mr. Md. Kamal Parvez, Advocate

....For the Petitioner (in W.P No. 582 of 2009)

Mr. Md. Shahed Ali Jinnah, Advocate

.... For the Respondent No. 3 (in W.P No. 582 of 2009),

Iqbal Kabir Chowdhury

....Petitioner (in W.P No. 3168 of 2009)

Versus

Government of the People's Republic of Bangladesh, represented by the Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Police Station-Ramna, Dhaka, and others

....Respondents (in W.P No. 3168 of 2009)

Ms. Hasina Akhter, Advocate

....For the Petitioner (in W.P No. 3168 of 2009)

Mr. Md. Shahed Ali Jinnah, Advocate

.... For the Respondent No. 2 (in W.P No. 3168 of 2009),

Abdul Bashet

....Petitioner (in W.P No. 3906 of 2009)

Versus

The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and others

....Respondents (in W.P No. 3906 of 2009)

Mr. Meah Muhammad Abdullah Zahid, Advocate

...For the Petitioner (in W.P No. 3906 of 2009)

Mr. Md. Shahed Ali Jinnah, Advocate

.... For the Respondent No. 2 (in W.P No. 3906 of 2009),

Zulekha Begum

....Petitioner (in W.P No. 3907 of 2009)

Versus

The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and others

....Respondents (in W.P No. 3907 of 2009)

Mr. Meah Muhammad Abdullah Zahid, Advocate

...For the Petitioner (in W.P No. 3907 of 2009)

Mr. Md. Shahed Ali Jinnah, Advocate

.... For the Respondent No. 3 (in W.P No. 3907 of 2009),

Most. Safia Khatun

....Petitioner (in W.P No. 4075 of 2009)

Versus

The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and others

....Respondents (in W.P No. 4075 of 2009)

Mr. Md. Akter Rasul, Advocate with

Mr. Md. Kamal Parvez, Advocate

...For the Petitioner (in W.P No. 4075 of 2009)

Mr. Md. Shahed Ali Jinnah, Advocate

.... For the Respondent No. 2 (in W.P No. 4075 of 2009),

Md. Khurshid Alam

....Petitioner (in W.P No. 4196 of 2009)

Versus

The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and others

....Respondents (in W.P No. 4196 of 2009)

Ms. Shovana Banu, Advocate

...For the Petitioner (in W.P No. 4196 of 2009)

Ms. Mahmuda Parveen, Advocate

.... For the Respondent No. 3 (in W.P No. 4196 of 2009),

Md. Kefayet Ullah

....Petitioner (in W.P No. 4198 of 2009)

Versus

The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and others

....Respondents (in W.P No. 4198 of 2009)

Ms. Shovana Banu, Advocate

...For the Petitioner (in W.P No. 4198 of 2009)

Ms. Mahmuda Parveen, Advocate

.... For the Respondent No. 3 (in W.P No. 4198 of 2009),

Mohammad Arifur Rahman

....Petitioner (in W.P No. 4807 of 2009)

Versus

The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and others

....Respondents (in W.P No. 4807 of 2009)

Mr. Md. Akter Rasul, Advocate with

Mr. Md. Kamal Parvez, Advocate

...For the Petitioner (in W.P No. 4807 of 2009)

Ms. Mahmuda Parveen, Advocate

.... For the Respondent No. 3 (in W.P No. 4807 of 2009),

Most. Majeda Begum

....Petitioner (in W.P No. 5441 of 2009)

Versus

The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and others

....Respondents (in W.P No. 5441 of 2009)

Mr. Md. Akter Rasul, Advocate with

Mr. Md. Kamal Parvez, Advocate

...For the Petitioner (in W.P No. 5441 of 2009)

Mr. Md. Shahed Ali Jinnah, Advocate

.... For the Respondent No. 3 (in W.P No. 5441 of 2009),

Syed Billal Hossain

....Petitioner (in W.P No. 5445 of 2009)

Versus

The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and others

....Respondents (in W.P No. 5445 of 2009)

Mr. Md. Akter Rasul, Advocate with

Mr. Md. Kamal Parvez, Advocate

...For the Petitioner (in W.P No. 5445 of 2009)

Mr. Md. Shahed Ali Jinnah, Advocate

.... For the Respondent No. 3 (in W.P No. 5445 of 2009),

Suresh Chandra Biswas

....Petitioner (in W.P No. 7034 of 2009)

Versus

The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and others

....Respondents (in W.P No. 7034 of 2009)

No one appears

...For the Petitioner (in W.P No. 7034 of 2009)

Md. Md. Abid Chowdhury, DAG with
Mr. M Mohiuddin Yousuf, DAG,
Mr. Monjur Elahi Porag, AAG,
Mr. Ariful Alam, AAG,
Mr. Nazmul Hasan Chowdhury, AAG and
Mr. Md. Shahidul Islam, AAG

...For the Respondents (in W.P No. 7034 of 2009)

Mr. Md. Shahed Ali Jinnah, Advocate

.... For the Respondent No. 3 (in W.P No. 7034 of 2009),

Faruque Ahammed

....Petitioner (in W.P No. 7692 of 2009)

Versus

The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and others

....Respondents (in W.P No. 7692 of 2009)

Mr. Md. Akter Rasul, Advocate with

Mr. Md. Kamal Parvez, Advocate

...For the Petitioner (in W.P No. 7692 of 2009)

Mr. Md. Shahed Ali Jinnah, Advocate

.... For the Respondent No. 3 (in W.P No. 7692 of 2009),

Hedayetul Islam

....Petitioner (in W.P No. 7859 of 2009)

Versus

The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and another

....Respondents (in W.P No. 7859 of 2009)

No one appears

...For the Petitioner (in W.P No. 7859 of 2009)

Mr. Md. Abid Chowdhury, DAG with

Mr. M Mohiuddin Yousuf, DAG

...For the Respondents (in W.P No. 7859 of 2009)

Mr. Md. Shahed Ali Jinnah, Advocate

.... For the Respondent No. 2 (in W.P No. 7859 of 2009),

Sarmin Sultana

....Petitioner (in W.P No. 8465 of 2009)

Versus

The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and others

....Respondents (in W.P No. 8465 of 2009)

Mr. Shovana Banu, Advocate

...For the Petitioner (in W.P No. 8465 of 2009)

Mr. Md. Shahed Ali Jinnah, Advocate

.... For the Respondent No. 2 (in W.P No. 8465 of 2009)

Mr. M. Khurshid Alam Sarkar, Advocate

.... For the Respondent No. 3 (in W.P No. 8465 of 2009),

Md. Shahab Uddin

....Petitioner (in W.P No. 121 of 2010)

Versus

The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and others

....Respondents (in W.P No. 121 of 2010)

Mr. Md. Akter Rasul, Advocate with

Mr. Md. Kamal Parvez, Advocate

...For the Petitioner (in W.P No. 121 of 2010)

Mr. Md. Shahed Ali Jinnah, Advocate

.... For the Respondent No. 3 (in W.P No. 121 of 2010),

A. B. M. Abdul Jalil

....Petitioner (in W.P No. 123 of 2010)

Versus

The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and others

....Respondents (in W.P No. 123 of 2010)

Mr. Md. Akter Rasul, Advocate with

Mr. Md. Kamal Parvez, Advocate

...For the Petitioner (in W.P No. 123 of 2010)

Mr. Md. Shahed Ali Jinnah, Advocate

.... For the Respondent No. 3 (in W.P No. 123 of 2010),

Md. Shahidul Haque

....Petitioner (in W.P No. 130 of 2010)

Versus

The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and others

....Respondents (in W.P No. 130 of 2010)

Mr. Md. Akter Rasul, Advocate with
Mr. Md. Kamal Parvez, Advocate
...For the Petitioner (in W.P No. 130 of 2010)

Mr. Md. Shahed Ali Jinnah, Advocate
.... For the Respondent No. 3 (in W.P No. 130 of 2010),

Hazera Khatun
....Petitioner (in W.P No. 627 of 2010)
Versus

Rajdhani Unnayan Kartripakkha, represented by its Chairman, RAJUK Bhaban, 1 RAJUK Avenue, Motijheel C/A, P.S. Motijheel, Dhaka and another

....Respondents (in W.P No. 627 of 2010)

No one appears
...For the Petitioner (in W.P No. 627 of 2010)

Mr. Md. Abid Chowdhury, DAG with
Mr. M Mohiuddin Yousuf, DAG
...For the Respondents (in W.P No. 627 of 2010)
Mr. Md. Shahed Ali Jinnah, Advocate
.... For the Respondent No. 1 (in W.P No. 627 of 2010),

Md. Matlubur Rahman
....Petitioner (in W.P No. 702 of 2010)
Versus

Bangladesh, represented by the Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and others

....Respondents (in W.P No. 702 of 2010)

No one appears
...For the Petitioner (in W.P No. 702 of 2010)

Mr. Md. Abid Chowdhury, DAG with
Mr. M Mohiuddin Yousuf, DAG
...For the Respondents (in W.P No. 702 of 2010)
Mr. Md. Shahed Ali Jinnah, Advocate
.... For the Respondent No. 2 (in W.P No. 702 of 2010),

Md. Amir Hossain
....Petitioner (in W.P No. 795 of 2010)
Versus

The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and others

....Respondents (in W.P No. 795 of 2010)

Mr. Md. Akter Rasul, Advocate with
Mr. Md. Kamal Parvez, Advocate
...For the Petitioner (in W.P No. 795 of 2010)

Mr. Md. Shahed Ali Jinnah, Advocate
.... For the Respondent No. 3 (in W.P No. 795 of 2010),

Abul Kalam Azad
....Petitioner (in W.P No. 1129 of 2010)
Versus

The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and others

....Respondents (in W.P No. 1129 of 2010)

Mr. Md. Akter Rasul, Advocate with
Mr. Md. Kamal Parvez, Advocate
...For the Petitioner (in W.P No. 1129 of 2010)

Mr. Md. Shahed Ali Jinnah, Advocate
.... For the Respondent No. 3 (in W.P No. 1129 of 2010),

Md. Showkat Ali
....Petitioner (in W.P No. 1303 of 2010)
Versus

The Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Ramna, Dhaka, and others

....Respondents (in W.P No. 1303 of 2010)

Mr. Md. Akter Rasul, Advocate with
Mr. Md. Kamal Parvez, Advocate
...For the Petitioner (in W.P No. 1303 of 2010)

Mr. Md. Shahed Ali Jinnah, Advocate
.... For the Respondent No. 3 (in W.P No. 1303 of 2010)

Present:

Mr. Justice Md. Iqbal Kabir

And

Mr. Justice S M Saiful Islam

Judgment on 07.06.2026

Md. Iqbal Kabir, J:

The above-mentioned writ petitions, which have been filed by the respective petitioner against the same respondents, are taken up together and disposed of by this single judgment, as those involve common questions of law and substantially similar facts.

It appears all Rule Nisi have been issued in similar terms. However, for our betterment the Rule Nisi issued in writ petition No. 582 of 2009, is quoted below:

“Let a Rule Nisi issue calling upon the respondents to show cause as to why the cancellation of the plots allotted to the petitioner and others in "সম্প্রসারিত উত্তরা ওয় পর্ব প্রকল্প আবাসিক এলাকা" as per public notification in the daily newspapers on 6.10.2006 including the Daily Naya Diganta and advertisement published in the Daily Newspapers on 26.11.2008 by respondent No. 3 inviting applications for allotment of plots in 'সম্প্রসারিত উত্তরা ওয় পর্ব প্রকল্প আবাসিক এলাকা' 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.”

Facts of the case, in brief, is that the Chairman of Rajdhani Unnayan Kartripakkha (RAJUK) published a public notice in different national dailies and on its website inviting applications for allotment of plots under the “সম্প্রসারিত উত্তরা ওয় পর্ব প্রকল্প আবাসিক এলাকা” (in short, the Uttara Project) Pursuant to the said notice, the petitioner applied for allotment of a 3-katha plot and deposited Tk. 500 as the price of the application form and Tk. 75,000 on 27.01.2004 through Janata Bank, RAJUK Bhaban Corporate Branch, Dhaka, and after completing all other formalities, submitted the application form bearing Serial No. 7778/8413.

After the lapse of some time, on 06.10.2006, a list of successful allottees was published in several national newspapers, including the daily *Jay Jay Din*, wherein the petitioner’s name appeared, and being a successful applicant, the authority allotted a 3-katha plot to the petitioner in the said project. According to the petitioner, while he was waiting for the issuance of a formal allotment letter, on 01.11.2007, the political situation in the country had changed, and various newspaper reports stated that allotments made under the said project had been cancelled by the Caretaker Government. The allotment has been cancelled on allegations that the allotments were influenced by political considerations and those who were active supporters of the then party in power. Further, after a few months, it has been reported that a total of three hundred allottees, whose allotments were cancelled, have been given the formal letters of allotment. The writ-petitioner tried his best to gather information from the concerned officials of the RAJUK as to the progress of his allotment and is verifying the reports published in the daily newspaper.

Against which no rejoinder has ever been issued from the RAJUK refuting the press reports, it is believed that the reports are correct. However, later on, RAJUK invited applications for the said residential project, and it has been mentioned that the applicants who applied before by depositing money, like the petitioner, will have to apply again. It is therefore presumed that the petitioner would not be allotted the plot, and no plots would be reserved for the allottees whose names were published on 06.11. 2006. Therefore, the petitioner has reasonable grounds to be aggrieved by the inaction of the RAJUK. That being so, aggrieved thereby, the petitioner, finding no other alternative, has come before the Court and obtained the present Rule Nisi.

It is pertinent to note that each petitioner has challenged the legality of the cancellation of the plots allotted to the petitioner in the "সম্প্রসারিত উত্তরা ৩য় পর্ব প্রকল্প আবাসিক এলাকা" pursuant to the public notification published in the daily newspapers on 06.10.2006. The legality of the said notification is the subject matter of the above-named writ petitions. The facts and legal issues involved in all these cases are substantially identical. The only distinguishing features are the quantum of land allotted, the amount deposited by the respective allottees, the dates of application, the application form numbers, and the serial numbers of the applicants; therefore, those are mentioned as follows:

The petitioner in writ petition No. 3168 of 2009 stated that he applied for a 5-katha plot, deposited Tk. 1,00,000/- and submitted the completed application bearing Serial No. 25334/25931.

The petitioner in writ petition No. 3906 of 2009 stated that he applied for a 5-katha plot, deposited Tk. Tk. 1,00,000/- and submitted a completed application bearing Serial No. 13225/13670.

The petitioner in writ petition No. 3907 of 2009 stated that he applied for a 3-katha plot, deposited Tk. 50,000 and submitted a completed application bearing Serial No. 21258/17938.

The petitioner in writ petition No. 4075 of 2009 stated that he applied for a 3-katha plot, deposited Tk. 50,000/- and submitted a completed application bearing Serial No. 16484/8526.

The petitioner in writ petition No. 4196 of 2009 stated that he applied for a 3-katha plot, deposited Tk. 75,000/- and submitted a completed application bearing Serial No. 23288/24050.

The petitioner in writ petition No. 4198 of 2009 stated that he applied for a 5-katha plot, deposited Tk. 1,00,000/- and submitted a completed application bearing Serial No. 16380/17128.

The petitioner in writ petition No. 4807 of 2009 stated that he applied for a 5-katha plot, deposited Tk. 75,000/- and submitted a completed application bearing Serial No. 15001/15237.

The petitioner in writ petition No. 5441 of 2009 stated that he applied for a 3-katha plot, deposited Tk. 50,000/- and submitted a completed application bearing Serial No. 48169.

The petitioner in writ petition No. 5445 of 2009 stated that he applied for a 3-katha plot, deposited Tk. 75,000/- and submitted a completed application bearing Serial No. 28429/28750.

The petitioner in writ petition No. 7034 of 2009 stated that he applied for a 3-katha plot, deposited Tk. 70,000/- and submitted a completed application bearing Serial No. 21302/21941.

The petitioner in writ petition No. 7692 of 2009 stated that he applied for a 3-katha plot, deposited Tk. 75,000/- and submitted a completed application bearing Serial No. 27783/26800.

The petitioner in writ petition No. 7859 of 2009 stated that he applied for a 3-katha plot, deposited Tk. 75,000/- and submitted a completed application bearing Serial No. (No serial No). 7801/8376

The petitioner in writ petition No. 8465 of 2009 stated that he applied for a 3-katha plot, deposited Tk. 75,000/- and submitted a completed application bearing Serial No. 21077/2191.

The petitioner in writ petition No. 121 of 2010 stated that he applied for a 5-katha plot, deposited Tk. 1,00,000/- and submitted a completed application bearing Serial No. 11954/12348.

The petitioner in writ petition No. 123 of 2010 stated that he applied for a 5-katha plot, deposited Tk. 1,00,000/- and submitted a completed application bearing Serial No. 23989/16235.

The petitioner in writ petition No. 130 of 2010 stated that he applied for a 5-katha plot, deposited Tk. 75,000/- and submitted the completed application bearing Serial No. 11836/12466.

The petitioner in writ petition No. 627 of 2010 stated that he applied for a 5-katha plot, deposited and submitted a completed application bearing Serial No. 20939/21576.

The petitioner in writ petition No. 702 of 2010 stated that he applied for a 3-katha plot, deposited Tk. 75,000/- and submitted the completed application bearing Serial No. 3234/3174.

The petitioner in writ petition No. 795 of 2010 stated that he applied for a 5-katha plot, deposited Tk. 1,00,000/- and submitted a completed application bearing Serial No. 7882/8532.

The petitioner in writ petition No. 1129 of 2010 stated that he applied for a 5-katha plot, deposited Tk. 1,00,000/- and submitted a completed application bearing Serial No. 3615/4035.

The petitioner in writ petition No. 1303 of 2010 stated that he applied for a 3-katha plot, deposited Tk. 75,000/- and submitted a completed application bearing Serial No. 6804/7403.

Since the facts and the legal issues involved are substantially identical, the submissions advanced by the learned Advocate in the leading writ petition No. 582 of 2009 were adopted by the learned Advocates appearing for the other petitioners, who accepted and relied upon the same submissions.

Mr. Md. Akter Rasul, learned Advocate for the petitioner, contended that his petitioner had been lawfully selected as an allottee of a 3-katha plot and there existed no lawful reason for the cancellation of his allotment. According to him, the cancellation was made arbitrarily, without lawful authority, and without affording him any opportunity of hearing, thereby violating the principles of natural justice. He therefore sought direction from RAJUK to allot a 3-katha plot in his favour pursuant to his application dated 27.01.2004 bearing Serial No. 7778/8413.

He submits that the petitioner's application was duly selected for allotment and that he had complied with all prescribed formalities. In such circumstances, a legitimate expectation arose in favour of the petitioner. According to him, the allotment process would be conducted fairly, transparently, and in accordance with the law. The petitioner was entitled

to expect non-arbitrary and equitable treatment from the concerned authority.

Mr. Rasul relied upon a decision passed in writ petition No. 9944 of 2008. According to him, by the aforesaid judgment and order dated 24.08.2009, the court made the Rule absolute and declared the cancellation of the petitioner's allotment, as published in the newspapers, to have been made without lawful authority and of no legal effect. The Court further directed RAJUK to allot a plot to the petitioner as per his application before making allotment of plots to anyone as per the advertisement published in the national dailies. He further submits that, being aggrieved by the judgment and order passed by the High Court Division, respondent RAJUK preferred CPLA No. 2142 of 2009 before the Appellate Division, wherein leave was granted, giving rise to Civil Appeal No. 170 of 2010. Subsequently, the said appeal was dismissed for default. Thereafter, the appellant sought restoration of the appeal, but the restoration application was rejected. Against the order of rejection, RAJUK filed Civil Review Petition No. 303 of 2025, which was also dismissed. Accordingly, he contends that the judgment of the High Court Division has attained finality and, therefore, the exception and the claim of the petitioner remain valid and enforceable.

Mr. Md. Shahed Ali Jinnah, the learned Advocate appearing on behalf of the respondent, relying upon the decision passed in Civil Review Petition No. 371 of 2019, reported in 27 BLC 91, submits that serious irregularities and illegalities were detected in the process of allotment of plots under the Uttara Project. Upon detection of such irregularities, RAJUK cancelled the proposed allotments. He contends that the cancellation was effected before issuance of any formal allotment letter and before acceptance of any payment other than the initial deposit of Tk. 75,000 (Seventy-five). He claims that as no allotment letter was issued and no contractual relationship came into existence between the parties, no vested or legal right was created in favour of the writ-petitioner. Accordingly, the writ-petitioner cannot claim enforcement of any right arising out of the proposed allotment.

He further contended that it is a settled principle of law that, to seek a writ of mandamus compelling a public authority to perform a particular act, the petitioner must first establish the existence of a specific legal right capable of enforcement. Since no legal right had been created

in favour of the writ-petitioner before the cancellation of the allotment, the writ petition itself is not maintainable.

He submits that RAJUK neither issued any formal allotment letter in favour of the writ-petitioner nor accepted any installment payment from him, and no contractual relationship was ever created between them. In such circumstances, according to the settled principle of law, issuance of any show-cause notice before cancellation was not required.

We have heard the learned Advocates for the respective parties and perused the writ petitions, the annexures thereto, the relevant documents placed before us, and the decisions cited at the Bar.

From the facts and materials on record, it transpires that although the name of the writ-petitioner was published in the newspaper as a selected allottee, no formal allotment letter was ever issued in his favour. Before the issuance of any allotment letter, RAJUK, upon detecting irregularities and illegalities in the allotment process, cancelled the proposed allotment. It further appears that no agreement was executed between the parties and no installment money was received by RAJUK in respect of the proposed allotment. Consequently, no vested or enforceable legal right was created in favour of the writ-petitioner.

It is pertinent to note that now it is well settled that a writ of mandamus can be issued only for the enforcement of an existing legal right and for compelling the performance of a corresponding legal or statutory duty. In the absence of any vested legal right, the doctrine of legitimate expectation has no manner of application. Reliance may be placed on the decision reported in 27 BLC 91 (Civil Review Petition No. 371 of 2019), wherein it has been categorically held that where no formal allotment letter was issued, no legal or statutory duty is cast upon RAJUK to allot the plot and, accordingly, no question of violation of any legal right or statutory duty arises. The said decision also referred to the principle laid down by the Appellate Division in *Hazerullah vs. Assistant Commissioner, Board of Management of Abandoned Property*, reported in 55 DLR (AD) 15, relying on *Queen vs. Guardian of the Lewisham Union*, (1897) 1 QB 498, that mandamus is available only where an existing legal right has been infringed, or a legal duty has remained unperformed. Apart from that, the cited decision further observed that mandamus may not be issued where there is no violation of a legal right or statutory duty by the authority concerned.

In the context, considering the facts and circumstances of the present case, it appears that no legal or vested right had accrued in favour of the writ-petitioner(s). Consequently, the claim founded on the doctrine of legitimate expectation is wholly misconceived, and no writ of mandamus can be issued in his/their favour.

It may further be observed that the *ratio decidendi* laid down in a case reported in 27 BLC 91 is binding upon this Court. Applying the principle enunciated in the reported decision, we find no legal basis to interfere with the decision of RAJUK in cancelling the proposed allotment prior to the issuance of the formal allotment letter.

In light of the foregoing, the Rule Nisi issued in the above cases are discharged.

There will be no order as to cost.

Communicate the order.

S M Saiful Islam, J:
I agree.