

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

**WRIT PETITION NO. 8336 OF 2020**

**IN THE MATTER OF:**

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

-AND-

**IN THE MATTER OF:**

Sumon Kanto Roy

....Plaintiff-petitioner

-Versus-

The learned Judge, Land Survey Tribunal, Nilphamari and  
others

....Respondents

No one appears.

....For the plaintiff-petitioner

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

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

Mr. Mir Moniruzzaman, A.A.G

....For the Respondents

Heard on 02.09.2025

**Judgment delivered on 04.09.2025**

**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 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 order dated 24.02.2019 passed  
by the learned Judge, Land Survey Tribunal, Nilphamari in Land  
Survey Case No. 153 of 2017 in dismissing the suit 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.”

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 petitioner to file an appeal against impugned judgment and order dated 24.02.2019 passed by the learned Judge, Land Survey Tribunal, Nilphamari in Land Survey Case No. 153 of 2017 in dismissing the suit. Therefore, there is no scope to dispose of the Rule considering merit.

Since the Land Survey Tribunals have been set up by amending the said Act, the petitioner is at liberty to file an appeal against the impugned judgment and order passed by the Land Survey Tribunal, Nilphamary before the Land Survey Appellate Tribunal, Nilphamary, 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.