

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

WRIT PETITION NO. 11997 OF 2019

IN THE MATTER OF

An application under Article 102(2)
of the Constitution of the People's
Republic of Bangladesh

-AND-

IN THE MATTER OF:

Md. Afaz Uddin

... Petitioner

-Versus-

Bangladesh, represented by the
Secretary, Ministry of Land and others

... Respondents

Mr. Mohammad Imdadul Hoque, Adv.

.....For the petitioner

No one appears

..... For the respondents

WITH

WRIT PETITION NO. 1248 OF 2023

IN THE MATTER OF:

Anowara Kaosar and others

... Petitioners

-Versus-

Government of Bangladesh and others

... Respondents

No one appears

.....For the petitioners

Mr. Md. Imam Hasan with

Mr. Md. Shahinul Islam, Advocates

..... For the respondent No. 4

WITH

WRIT PETITION NO. 13852 OF 2022

IN THE MATTER OF:

Nasira Begum and others

... Plaintiff-Petitioners

-Versus-

Motaher Hossain and others

... Defendant-Respondents
Mr. Md. Imam Hasan with
Mr. Md. Shahinul Islam, Advocates
.....For the petitioners
No one appears
..... For the respondents

WITH

WRIT PETITION NO. 1229 OF 2019

IN THE MATTER OF:

Mir Masudur Rahman

... Petitioner

-Versus-

Government of the People's Republic
of Bangladesh and others

... Respondents

Mr. Satya Ronjon Mondall, Advocate

.....For the petitioner

Mr. Sheikh Habib-ul Alam, Advocate

..... For the respondent No. 4

WITH

WRIT PETITION NO. 9971 OF 2022

IN THE MATTER OF:

Md. Ruhul Amin Sarder

... Defendant-Petitioner

-Versus-

Government of the People's Republic
of Bangladesh and others

... Respondents

Mr. Satya Ronjon Mondall, Advocate

.....For the petitioner

No one appears

..... For the respondents

WITH

WRIT PETITION NO. 481 OF 2023

IN THE MATTER OF:

Md. Abdul Karim and another

... Petitioners

-Versus-

Govt. of Bangladesh represented by the
Secretary, Ministry of Land and others

... Respondents

No one appears

.....For the petitioner
Mr. Satya Ronjon Mondall, Advocate
..... For the respondents No. 8-10

WITH

WRIT PETITION NO. 1102 OF 2023

IN THE MATTER OF:

Md. Masudar Rahman
... Petitioner

-Versus-

Md. Kamrujjaman being dead his heirs
1(a) Armanujjaman Rajib and others
... Respondents

Mr. Ashfaqur Rahman, Advocate
.....For the petitioner

No one appears

..... For the respondents

WITH

WRIT PETITION NO. 1103 OF 2023

IN THE MATTER OF:

Md. Masudar Rahman
... Petitioner

-Versus-

Md. Moshiar Rahman and others
... Respondents

Mr. Ashfaqur Rahman, Advocate
.....For the petitioner

No one appears

..... For the respondents

WITH

WRIT PETITION NO. 13351 OF 2022

IN THE MATTER OF:

Md. Shahidullah Bhuiyan
... Plaintiff-Petitioner

-Versus-

Learned Judge, Land Survey Tribunal,
Mymensingh and others
... Respondents

Mr. Md. Abdul Haque, Advocate
.....For the petitioner

No one appears

..... For the respondents

WITH

WRIT PETITION NO. 9188 OF 2023

IN THE MATTER OF:

Zahirul Islam

... Petitioner

-Versus-

The Government of the People's
Republic of Bangladesh and others

... Respondents

No one appears

.....For the petitioner

No one appears

..... For the respondents

WITH

WRIT PETITION NO. 8591 OF 2017

IN THE MATTER OF:

Md. Ershad Ali and another

... Defendant-Petitioners

-Versus-

The Government of the People's
Republic of Bangladesh and others

... Respondents

Mr. Bivash Chandra Biswas, Advocate

.....For the petitioners

No one appears

..... For the respondents

WITH

WRIT PETITION NO. 4654 OF 2021

IN THE MATTER OF:

Md. Golam Mostofa

... Defendant-Petitioner

-Versus-

Md. Tomiz Uddin and others

... Plaintiff-Respondents

Mr. Md. Azizul Islam, Advocate

.....For the petitioner

No one appears

..... For the respondents

WITH

WRIT PETITION NO. 1680 OF 2018

IN THE MATTER OF:

Md. Jahangir Alam and another

... Defendant-Petitioners

-Versus-

Government of Bangladesh represented
by the Secretary, Ministry of Land and
others

... Respondents

Mr. Sheikh Habib-Ul Alam, Advocate

.....For the petitioners

Mr. Md. Habibur Rahman, Advocate

..... For the respondent No. 4

WITHWRIT PETITION NO. 15632 OF 2022IN THE MATTER OF:

Dhruba Lal Datta Banik

... Petitioner

-Versus-

Land Survey Tribunal, Barishal and
others

... Respondents

Mr. Swapan Kumar Dutta, Advocate

.....For the petitioner

Mr. Mahim M. Rahman with

Ms. Ummi Farzana Sattar, Advocates

..... For the respondents No. 2 and 3

WITHWRIT PETITION NO. 3998 OF 2019IN THE MATTER OF:

Md. Dulal @ Dulal Mianh and others

... Petitioners

-Versus-

Asia Khatun and others

... Respondents

No one appears

.....For the petitioners

Mr. Mahin M. Rahman with

Ms. Ummi Farzana Sattar, Advocates

..... For the respondent No. 1

WITHWRIT PETITION NO. 6495 OF 2020

IN THE MATTER OF:

Md. Abdul Khalek and others

... Plaintiff-Petitioners

-Versus-

Md. Abdul Mannaf alias Mannaf and others

... Defendant-Respondents

No one appears

.....For the petitioners

Mr. Md. Ziaul Haque with

Ms. Sharmin Rahman, Advocate

..... For the respondents No. 1 and 2

WITH

WRIT PETITION NO. 5082 OF 2021

IN THE MATTER OF:

Md. Shafiqullah Khan and another

... Plaintiff-Petitioners

-Versus-

Land Survey Tribunal and others

... Respondents

No one appears

.....For the petitioner

No one appears

..... For the respondents

WITH

WRIT PETITION NO. 15388 OF 2022

IN THE MATTER OF:

Hazi Md. Shahjahan Mia

... Defendant-Petitioner

-Versus-

Land Survey Tribunal, Dhaka and others

... Respondents

No one appears

.....For the petitioner

Mr. Md. Imam Hasan with

Mr. Md. Shahinul Islam, Advocates

..... For the respondents No. 30-33

WITH

WRIT PETITION NO. 5558 OF 2022

IN THE MATTER OF:

Md. Abdul Gafur Gazi and others

... Defendant-Petitioners
-Versus-

The learned Judge of Land Survey
Tribunal, Satkhira and others

... Respondents

Mr. Bivash Chandra Biswas, Advocate

.....For the petitioner

Mr. Sheikh Habib-ul Alam, Advocate

..... For the respondents No. 10-78

WITH

WRIT PETITION NO. 5557 OF 2022

IN THE MATTER OF:

Md. Abdul Gafur Gazi and others

... Defendant-Petitioners

-Versus-

The learned Judge of Land Survey
Tribunal, Satkhira and others

... Respondents

Mr. Bivash Chandra Biswas, Advocate

.....For the petitioner

Mr. Sheikh Habib-ul Alam, Advocate

..... For the respondents No. 10-19

The 04th day of December, 2023

Present:

Mr. Justice J.B.M. Hassan

and

Mr. Justice Razik-Al-Jalil

J.B.M. Hassan, J:

The above-mentioned writ petitions have been filed challenging the judgment and decree passed by the Land Survey Tribunals of different districts.

Due to non existence of appellate forum at the relevant time of passing the decrees, the petitioners could not prefer any appeal challenging the said judgment and decrees. In the meantime, by the State Acquisition and Tenancy (Amendment) Act, 2023 the appellate

forum has been established and on 23.08.2023 the names of the Land Survey Appellate Tribunals has been Gazetted. In the circumstances, this Court passed a judgment and order today on 04.12.2023 analogously disposing of the Writ Petitions No. 5135 of 2018, 12559 of 2022, 11772 of 2022, 3743 of 2018, 12797 of 2022, 16281 of 2016, 2210 of 2022 and 7203 of 2022 allowing the writ petitioners to prefer appeal before the newly established Land Survey Appellate Tribunals under the respective districts with a direction to the Land Survey Appellate Tribunal to consider their appeals and application for condonation of delay, if filed, in accordance with section 14 read with section 29 of the Limitation Act.

In the said judgment and order dated 04.12.2023 this Court observed as under:

“From the above order, it is apparent that due to non existence of the Land Survey Appellate Tribunal, the Apex Court extended the force of order of statusquo till 03 (three) months from the date of establishment of the said Appellate Tribunal. But here in these matters, 3 months limitation period have already been passed from the date of establishment of appellate forum. Yet on identical circumstances, we consider that due to non existence of Land Survey Appellate Tribunal, the writ petitioners could not challenge the impugned judgment and decree or order and this situation led them to file writ petitions obtaining Rules Nisi in their respective writ petitions. Thus, they have remained under the litigations before this Court so long.

Now, since the appellate forum has been established, the petitioners are at liberty to prefer the appeal.”

In view of the above-mentioned judgment and order dated 04.12.2023 the Rules Nisi issued in the present writ petitions are disposed of with the following directions:

(i) The petitioners are at liberty to prefer appeal before the respective Land Survey Appellate Tribunals with an application for condonation of delay and, if so filed, the respective Appellate Tribunal shall consider the application as well as the appeal in accordance with section 14 read with section 29 of the Limitation Act.

(ii) Send down the lower Court's records in respect of writ petitions where the same have arrived in the meantime.

(iii) The petitioners and the respondents are at liberty to take back all the original certified copies annexed with the respective writ petitions or affidavits in opposition or application(s) or affidavit(s) on furnishing photocopies thereof duly attested by the respective learned Advocates.

(iv) The interim order of stay/status quo passed by this Court at the time of issuance of the Rule, if any, be extended for further 4(four) months from date or until filing the appeal, whichever is earlier.

Razik-Al-Jalil, J:

I agree.