

In the Supreme Court of Bangladesh  
High Court Division  
(Special Original Jurisdiction)

**Present:**

**Mr. Justice Sikder Mahmudur Razi**

**-And-**

**Mr. Justice Raziuddin Ahmed**

**Writ Petition No.5816 of 2021**

**In the matter of:**

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

**-And-**

**In the matter of:**

Jebun Nahar Yesmin Kana

... Petitioner

**-Versus-**

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

... Respondents

Mr. Sajal Mallick, Advocate

... For the Petitioner

Mr. M. Nazrul Islam Khandaker, Advocate

... For the Respondent No.3 Applicant

**Heard & Judgment on 19.11.2025**

**Raziuddin Ahmed, J:**

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

*Let a Rule Nisi be issued calling upon the respondents to show cause  
as to why the office order bearing Memo  
No.25.43.0000.005.45.001.21.46 dated 15.06.2021 cancelling  
allotment of the house bearing No. 10/29 (Ground floor). Rajiya  
Sultana Road, Mohammadpur, Dhaka which was allotted in the*

*name of the petitioner where the petitioner is residing with her family members (Annexure-F) should not be declared to have been made and issued without lawful authority and of no legal effect and why the Respondent No.03 should not be directed to dispose of the application dated 20.06.2021 filed by the petitioner for re-investigation of the order of the cancellation of the house allotment (Annexure-F) and/or pass such other or further order or orders as to this Court may seem fit and proper.*

*Pending hearing of the Rule, let operation of the Memo No.25.43.0000.005.45.001.21.46 dated 15.06.2021 (Annexure-F) be stayed for a period of 03(three) months from date.*

The facts relevant for disposal of this Rule, in brief, are that the Petitioner has been allotted a government accommodation being abandoned house No. 10/29 (Ground Floor), Block-D, Razia Sultana Road, Mohammadpur, Dhaka on 15.05.2018 by the office of the Respondent No.3 as a government employee during her service period because of her condition of service and the possession of the house in question has been delivered on 21.05.2018 to the Petitioner. Subsequently on 14.03.2021 one Md. Ahsan Habib, Health Inspector, Directorate of Government Accommodation, Bangladesh Secretariat, Dhaka investigated the house in question at the field level and it was revealed that the Petitioner does not reside therein but one tenant namely Md. Mizanur Rahman was available therein and the aforesaid tenant informed that the Petitioner now resides at the house of her father-in-law situated at Y/16, Razia Sultana Road, Mohammadpur, Dhaka. The Respondent No.5 then sent a show cause notice on 22.03.2021 to the Petitioner and the Petitioner submitted a reply on 31.03.2021 to the Respondent No.3 denying the allegations against her and the same was not

satisfactory reply to the Respondent No.3 and the Respondent No.5 then cancelled the allotment of the house in question of the Petitioner on 15.06.2021 and requested to hand over the possession of the house in question to the concerned local Public Works Department (Maintenance) within 7(seven) working days. Thereafter the Petitioner on 20.06.2021 filed an application to the Respondent No.3 requesting to investigate the matter again and annul the order of cancellation dated 15.06.2021.

The Respondent No.3 appeared in the writ petition by filing a vokalatnama and filed an application for discharging the Rule.

The learned advocate M. Nazrul Islam Khandaker appearing on behalf of the Respondent No.3 submits that in pursuant to the application dated 20.06.2021, the office of the Respondent No.3 conducted a physical reinvestigation on 22.01.2025 for the house-in- question by one Billal Hossain, Assistant Director with Md. Mostofa Kamal Bhuiyan, Sub-Inspector, both personnels are of Directorate of Government Accommodation, Bangladesh Secretariat, Dhaka and it has been revealed from that reinvestigation that the Petitioner with her family members is not residing in the house in question and the house in question has been let out to another person for using as Coaching Center. The Respondent No.5 by a letter dated 26.02.2025 has informed the Petitioner about the same. In this way the Petitioner has violated the Rule 12 and 14(3) of the Bangladesh Allocation Rules, 1982 by letting the house in question to other persons from the very beginning of the allotment of the house in question as such the respondent No.3 prayed for discharging the Rule.

The learned advocate Mr. Sajal Mal

lick appearing on behalf of the petitioner submits that the petitioner is residing in the allotted house with her family members. The petitioner brought her sister in her house to take care of her children. He also submits that the petitioner was present at the time of investigation and supplied all the documents to the Investigation Officer but the Investigation Officer without considering the documents submitted a report against her.

We have heard the advocate for both the side and perused the writ petition and application for discharging the Rule and the annexures annexed thereto.

It appears from the record that the Respondent No.3 gave allotment of the house in question to the Petitioner with the object to reside therein in accordance with the Rules of the Bangladesh Allocation Rules, 1982 as the terms and conditions of her service but the Petitioner let out it to other persons from the beginning of the allotment of the house in question which was 1st revealed from an investigation report on 14.03.2021 and till now she has been letting out the same to other persons which is used as Coaching Center which is also revealed by reinvestigation report dated 22.01.2025 by violating the provisions of the Bangladesh Allocation Rules, 1982.

It would be expedient if we reproduce the provisions of Rule 12 and 14(3) of the Bangladesh Allocation Rules, 1982 which are as follows,

**“Rule 12: Cancellation of Accommodation** - Allotment of an accommodation to a government servant is not transferable. If a Government servant or his family does not ordinarily reside in the accommodation allotted to him, the allotment shall be liable to cancellation.

**Rule 14: Subletting, etc. -**

(1)

(2)

(3) If it is proved that an allottee has sublet the accommodation, the Director or, as the case may be, the authorized officer, shall cancel the allotment and report the matter to the head of the allottee's office, who will take disciplinary action against him under the Government Servants Conduct Rules."

In view of the above we are of the view that the office of the Respondent No.3 has correctly cancelled the allotment of the house in question from the name of the Petitioner on 15.06.2021. As such the order dated 15.06.2021 suffers from no illegality.

Therefore, we don't find any merit in this writ petition.

In the result, the Rule is discharged with cost 10,000/-.

The stay order granted earlier is hereby recalled and cancelled.

The writ petitioner is fined with Tk.10,000/- (ten thousand) which is to be paid in the Account being No.4435401017179 (savings account) maintained in the name of the Registrar General & Marshal of Supreme Court of Bangladesh within 7(seven) days from the date of receipt of the order without fail, in default, the authority is at liberty to recover the said amount as per law.

The office is directed to communicate the judgment and order to the concerned authority at once. The office is further directed to communicate a

copy of the judgment to the Secretary of Supreme Court Bar Association as well as to the Registrar General of Supreme Court of Bangladesh.

Let a copy of the judgment be transmitted to the respondents at once as well as to the Registrar General of Supreme Court of Bangladesh, Dhaka.

**Sikder Mahmudur Razi, J:**

I agree.

I.Sarwar/B.O