

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

Present:

Mr. Justice Sikder Mahmudur Razi

Writ Petition No. 19066 of 2025

Md. Moshir Rahman and another
...Petitioners.

-Versus-

Government of Bangladesh represented by
the Secretary, Ministry of Finance,
Bangladesh Secretariat, Shahbag, Dhaka and
others.

...Respondents.

Mr. Md. Kamal Hossain, Adv.

....For the Petitioners.

Mr. Mohammad Mehdi Hasan, DAG.

...For the respondents.

The 18th November, 2025.

Today this matter is fixed for passing necessary order.

This writ petition has been filed by the petitioner challenging Rules 6(5), 6(6), 6(9), 7(5), 7(6), 7(7), 7(9), 9, 10, 11 & 17 of Bangladesh Securities and Exchange Commission (Margin) Rules, 2025 enacted and adopted by the Respondent No. 4 vide notification No: 53. 02.0000.000. 201. 22.0043. 01. 95.272. 157-dated 30-10-2025, published in Bangladesh Gazette (Additional) dated 06-11-2025(Annexure-D) for declaring those Rules as unconstitutional, without lawful authority, *void* and is of no legal effect and seeking *inter-alia* for a direction upon the respondents not give effect to the relevant margin Rules 2025 to stop force sale of shares from margin code of investors. However, the interim prayer was subsequently added

with the kind leave of the court after deleting the original interim prayer which was as follows;

“To stay the operation of Rules 6(5), 6(6), 6(9), 7(5), 7(6), 7(7), 7(9), 9, 10, 11 & 17 of Bangladesh Securities and Exchange Commission (Margin) Rules, 2025 enacted and adopted by the Respondent No. 4 vide notification No: 53.02.0000.000. 201. 22. 0043.01 95.272. 157-dated 30-10-2025, published in Bangladesh Gazette (Additional) dated 06-11-2025 (Annexure-D).

Yesterday, upon preliminary hearing this court initially issued a *Rule Nisi* and further passed an order restraining the respondents not to give effect to the relevant margin Rules, 2025 to stop force sale of shares from margin code of investors which prayer was added subsequently with the leave of the Court; the said interim order was passed for a limited period. Shortly thereafter, it came to the notice of this Court that, in respect of the selfsame matter, an earlier writ petition had been filed in which a Rule Nisi had already been issued, although no interim relief had been granted. In view of the foregoing, and being mindful of the earlier proceeding, this matter has been placed today in the list for order.

Accordingly, at the very outset, the unsigned order dated 17.11.2025 is hereby recalled, and the matter is taken up for further scrutiny.

Mr. Mohammed Mehdi Hasan, learned Deputy Attorney General placed before this court a copy of the Writ Petition being No. 18539 of

2025 which was filed before another Division Bench of the High Division comprising Ms. Justice Fahmida Quader and Mr. Justice Md. Ashif Hasan. Upon a preliminary examination of the records, it appears that Writ Petition No. 18539 of 2025 concerns the same subject matter. The matter was taken up for motion hearing on 12.11.2025 and, upon hearing, a Rule Nisi was issued; however, no interim order was granted. The said writ petition remains pending before that Bench for adjudication.

On perusal of the earlier Writ Petition being No. 18539 of 2025 it further appears that in the said writ petition an interim relief was prayed for, in the following terms;

“To stay the operation of Bangladesh Securities and Exchange Commission (Margin) Rules, 2025 enacted and adopted by the Bangladesh Securities and Exchange Commission vide notification No.: 53. 02. 0000.000. 201. 22. 0043. 01. 95.272. 157 dated 30-10-2025, published in Bangladesh Gazette (Additional) dated 06-11-2025 (Annexure-D)”.

Upon query by the court, learned Advocate for the petitioner has been unable to show any disclosure in the present petition regarding the pendency of the earlier writ petition. No permission was obtained from the earlier Bench to withdraw the previous writ petition with liberty to file afresh. No explanation has been offered as to why a second petition on the same cause of action has been filed before this Bench by the same learned advocate.

The duty of sincerity requires a litigant invoking the writ jurisdiction under Article 102 of the Constitution to make a full and fair disclosure of all the prior proceedings relating to the same matter. Suppression of such material facts *vitiates* the very foundation of the writ petition. Even the apex court of our country in a number of cases held that concealment of material facts is by itself sufficient to render a writ petition liable to be rejected in *limine*. It is the settled principle of law that a writ petitioner must come before the court with clean hands, and failure to disclose prior litigation is a breach of that duty and the situation becomes more aggravated when the same lawyer is engaged in both the earlier and the subsequent writ petition. Additionally, filing a second writ petition while the first remains pending, particularly before a different Bench, constitutes forum shopping and amounts to an abuse of the process of the Court. Such conduct undermines judicial discipline and warrants dismissal at the outset.

In the present case, the petitioner has clearly failed to disclose about the earlier writ petition though the same lawyer has been engaged in both the matters, and the act of initiating a second petition on the same subject matter after failing to obtain interim relief in the earlier writ raises a strong inference of deliberate suppression and bench-hunting.

Accordingly, for the reason stated above, we are of the view that the present writ petition is not maintainable and has been filed upon suppression of material facts and in abuse of the process of this court. Consequently, the instant writ petition is rejected summarily.

However, the learned Advocate Mr. Md. Kamal Hossain is hereby cautioned to refrain from engaging in such practices in future.

(Sikder Mahmudur Razi, J:)

(Raziuddin Ahmed, J)