

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

Writ Petition No. 141 of 2022.

IN THE MATTER OF:

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

-And-

IN THE MATTER OF:

Momtaz Uddin and others

...Petitioners

-V E R S U S-

The Government of the People's Republic of
Bangladesh, represented by the Secretary,
Ministry of Land, Bangladesh Secretariat,
Ministry of Land, Bangladesh Secretariat,
Dhaka and others.

.....Respondents

Mr. Mohammad Siddique Ullah Miah, Advocate

.....For the petitioners

Mr. Sk. Shaifuzzaman, DAG with

Ms. Rehana Sultana, AAG and

Mr. Md. Salim Azad, AAG and

Mr. Md. Samiul Alam Sarkar, AAG and

Ms. Zulfia Akhter, AAGs

.... For the respondents

Present:

Mr. Justice K.M. Kamrul Kader

And

Mr. Justice Khizir Hayat

Heard and Judgment On: 13.12.2023.

K. M. Kamrul Kader, J :

On an application under Article 102 of the Constitution of the
People's Republic of Bangladesh this Rule Nisi was issued on
09.01.2022, in the following terms:

*“Let a Rule Nisi be issued calling upon the
respondents to show cause as to why the judgment and
decree dated 24.11.2021(decree signed on 24.11.2021)
passed by the learned Judge, Land Survey Tribunal,
Netrokona in Land Survey Suit No.534 of 2014 (L.S)
dismissing the suit (Annexure-C and C-1) 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 pass as to this Court may seem fit and proper."

This Rule Nisi was issued on the ground that the Government has not yet been established any Land Survey Appellate Tribunal under Section 145B of the SAT Act. Due to this reason, the petitioners have failed to redress their grievances by filing appeal against the order, judgment and decree passed by the concerned Tribunal.

Mr. Sk. Shaifuzzaman, learned Deputy Attorney General submits that the government has already been published Gazette for establishing Land Survey Appellate Tribunal in different districts and the petitioners of the writ petition may redress their grievances by filing appeal, before the respective Land Survey Appellate Tribunal of the respective districts and as such, he prays for discharging the Rule.

It appears that in the meantime, the Government has already established the Land Survey Appellate Tribunal in the respective districts vide Gazette notification dated 11.07.2023 to hear the appeal arising out of judgment and decree and/or order of the Land Survey Tribunal in different districts. Considering the facts and circumstances of the matter, we are of the view that the petitioners may redress their grievances by filing appeal, before the Land Survey Appellate Tribunal, Netrokona and as such, the Rule issued by this Court has become infructuous.

In the result, the Rule is discharged without any order as to costs. The petitioners are at liberty to prefer appeal within 03(three) months

from the date of receipt of the order, if any, before the Land Survey Appellate Tribunal, Netrokona and in preferring such appeal delay occurred, if any, shall be condoned.

In the meantime, the order of *stay* granted at the time of issuance of the Rule shall continue till filling of the appeal before the Land Survey Appellate Tribunal or 03(three) months from the date of receipt of this order, whichever is earlier.

The learned Advocate for the petitioners are permitted to take back the certified copies of the annexures, if any, by substituting the Photostat copy of the same.

Communicate the judgment and order at once.

Khizir Hayat, J:

I agree.