

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

Present:  
Justice Sheikh Abdul Awal  
And  
Justice Md. Mansur Alam

**Writ Petition No. 5065 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:

Md. Shawkat Ali alias Shawkat Mia and  
another.

..... Petitioners.

-Versus-

Land Survey Tribunal, Tangail and others.

.....Respondents.

Mr. Md. Khurshid Alam Khan, Senior  
Advocate

..... For the Petitioners

Mr. Md. Bodiuzzaman Tarafder, D.A.G with  
Ms. Salma Sultana (Soma), D.A.G with  
Mr. Md. J.R. Khan Robin, A.A.G with  
Mr. A.B.M. Ibrahim Khalil, A.A.G with  
Mr. Md. Esa, A.A.G with  
Mr. Md. Manowarul Islam Uzzal, A.A.G

... For the Government-Respondents

**Judgment on 25.06. 2025.**

**Sheikh Abdul Awal, J:**

On an application under Article 102 of the Constitution of the  
People's Republic of Bangladesh this Rule Nisi was issued calling  
upon the respondent Nos. 1-19 to show cause as to why the

impugned judgment and decree dated 27.02.2022 (decree signed on 03.03.2022) passed by the Judge, Land Survey Tribunal, Tangail, (respondent No.1) in Land Survey Tribunal Case No.3361 of 2013(Annexure-"C" and "C-1") should not be declared to have been illegal without jurisdiction 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.

Mr. Md. Khurshid Alam Khan, the learned Advocate appearing for the petitioners at the very outset referring a decision reported in 77 DLR 154 submits that the petitioners preferred this writ petition challenging the judgment and decree dated 27.02.2022 (decree signed on 03.03.2022) passed by the Judge, Land Survey Tribunal, Tangail before this Court on 18.04.2022 and Rule Nisi was issued against the impugned judgment and decree on 26.04.2022 as at that time there was no forum to prefer appeal and during pendency of the instant Rule, Land Survey Appellate Tribunal has been established pursuance to State Acquisition and Tenancy (Amendment) Act, 2023. He adds in the facts and circumstances this Rule may be disposed of with a direction to prefer appeal before the Land Survey Appellate Tribunal against the impugned judgment passed by the learned Land Survey Tribunal in considering the condonation of delay.

Mr. Md. Bodiuzzaman Tarafder, the learned Deputy Attorney General does not oppose the prayer of the learned Advocate for the petitioners.

Having heard the learned Advocate for the petitioners and the learned Deputy Attorney General, perused the writ petition and other materials on record.

Considering the facts and circumstance of the case vis-à-vis the decision reported in 77 DLR 154 and the submission of the

learned Advocate for the petitioners, we are inclined to direct the petitioners to file appeal before the Land Survey Appellate Tribunal against the impugned judgment and decree passed by the learned Land Survey Tribunal, if so advised and the appellate tribunal shall consider the application for condonation of delay as well as the appeal in accordance with section 14 read with section 29 of the Limitation Act.

In the result, the Rule Nisi is disposed of with the above direction.

Let a copy of this judgment along with lower court's records (if available) be communicated to the Court concerned at once.

**Md. Mansur Alam, J:**

I agree.