

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

**WRIT PETITION NO. 4074 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:**

Sheikh Shaheb Ali

... Petitioner.

-VERSUS-

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

... Respondents.

None appears for the petitioner.

Mr. Abdul Kuddus, Advocate

..... for the respondents.

Mrs. Anna Khanom(Koli), A.A.G.

....For the respondents (State)

**Heard & Judgment on: 07.12.2023**

**Present:**

Mr. Justice Md. Jahangir Hossain

&

Mr. Justice S M Masud Hossain Dolon

**Md. Jahangir Hossain, J:**

By filing this writ petition, under article 102 of the Constitution of the People's Republic of Bangladesh, the petitioner challenged the legality of the judgment and decree dated 25.11.2021 passed by the learned Judge, Land Survey Tribunal, Gopalganj in Land Survey Suit No.39 of 2019.

The main contention of the writ petition is that as the appellate forum of the said judgment and decree i.e. the Land Survey Appellate

Tribunal has not been established, therefore the petitioner has/have no other alternative forum but to file this writ petition.

Heard the learned Advocate for the Respondent, perused the writ petition along with its annexures, and other materials on record placed before us.

It appears that some factual aspects are involved with the impugned judgment and decree and the Land Survey Appellate Tribunal is the proper forum to adjudicate the same. It also appears that till filing this writ petition no Land Survey Appellate Tribunal was established, but during the pendency of the Rule the Government has established the same.

In view of the aforesaid, we are of the view that justice would be best served if without entering into the merit of the case the Rule is disposed of with directions.

Accordingly, the Rule is disposed of with the following directions:

- (i) The petitioner is at liberty to file an appeal before the Land Survey Appellate Tribunal as established by the Government;
- (ii) If the petitioner intends to prefer an appeal before the Land Survey Appellate Tribunal having jurisdiction, the petitioners are directed to file such appeal within 90 (ninety) days from date;

- (iii) The impugned judgment shall remain stayed till filing of appeal by the instant petitioner within the period set out in direction no. (ii); and
- (iv) The parties are directed to maintain status quo in respect of possession of the land in question till filing of the appeal.

However, there shall be no order as to costs.

Communicate the judgment and order at once.

**S M Masud Hossain Dolon , J:**

***I agree.***