

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

Writ Petition No. 1724 of 2020

With

Writ Petition No. 3120 of 2020

IN THE MATTER OF:

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

-AND-

IN THE MATTER OF:

Emon Tanchangya and others
...Petitioners

-Versus-

Present:

Mr. Justice Sashanka Shekhar Sarkar
And
Justice Urmee Rahman

The Government of Bangladesh,
represented by the Secretary, Ministry of
Chattogram Hill Tracts Affairs and others
..... Respondents

-AND-

IN THE MATTER OF:

Ajit Chakma and others
...Petitioners

-Versus-

The Government of Bangladesh,
represented by the Secretary, Ministry of
Chattogram Hill Tracts Affairs and others
..... Respondents

Mr. M. Belayet Hossain, Senior Advocate with
Mr. M. Mahmudul Hasan, Advocate
...For the petitioners

Mr. Mohammad Rashadul Hassan, D.A.G with
Ms. Nilufar Yesmin, A.A.G,
Mr. Md. Moshir Rahman (Rahat), A.A.G,
Mr. Md. Motasin Billah Parvez, A.A.G and
Mr. Bishwanath Karmaker, A.A.G
.... For the respondents

Heard on 25.02.2026 and 22.06.2026

Judgment on 30.07.2026

Urmee Rahman, J:

Both the Rules issued in these two writ petitions have arisen out of the same subject matter and involve common facts and issues of law. Hence these are taken up together for disposal by a single judgment.

In Writ Petition No. 1724 of 2020 Rule was issued in the following terms:

“Let a Rule Nisi be issued calling upon the Respondents to show cause as to why the respondents should not be directed to disburse/release the rest 35% compensation money of the petitioners’ land, which were acquired vide LA Case No. 01(D)/2015-2016(104) for the Motor Driving Testing and Training Centre (MDTTC) and Vehicles Inspection Centre (VIC), and/or such other or further order or orders passed as to this Court may seem fit and proper.”

In Writ Petition No. 3120 of 2020 Rule was issued in the following terms:

“Let a Rule Nisi be issued calling upon the Respondents to show cause as to why the direction should not be given upon the respondents to disburse/release the rest 35% compensation money of the petitioners land which were acquired vide L.A. Case No. 02(D)/2014-2015(104) for the RSTU and/or

pass such other or further order or orders as to this Court may seem fit and proper.”

Necessary facts for disposal of the instant Rules, as narrated in the writ petitions, in short, are that, all the petitioners are either the original owners or successors of the original owners of the acquired land for MDTTC and VIC (Motor Driving Testing and Training Centre & Vehicles Inspection Centre) and for Rangamati Science and Technology University (RSTU) in Rangamati District. The respondents acquired the petitioners' land vide Land Acquisition Case (L.A. Case) No. 01(D)/2015-2016(104) and L.A. Case No. 02(D)/2014-2015(104). After calculating the market value of the acquired land, Government allotted compensation with 50% additional compensation against the land. The Respondent No. 7-9 disbursed 115% compensation (100% land value with 15% additional compensation) to the petitioners but they did not disburse the rest 35% compensation money. The respondent No. 5 has no objection to pay the 50% compensation amount to the petitioners in respect of their acquired land. The petitioners are legally entitled to get the rest 35% compensation and consequential expenditure but the respondents are not disbursing the same and as such they have been constrained to file the instant writ petitions and obtained the Rules.

At the time of hearing learned Senior Advocate Mr. M. Belayet Hossain, appearing on behalf of the petitioners, submits that, the grievance agitated in both the writ petitions has been

resolved by the recent decision of the Government in this regard, which has been annexed as Annexure-2 to the affidavit in opposition filed by the Government.

On careful examination of Annexure-2 to the affidavit in opposition filed by Mr. Md. Motasin Billah Parvez, learned Assistant Attorney General, we find that the Government has already decided to make payment of the rest 35% compensation to the petitioners of these two writ petitions. Relevant part of the decision in relation to writ petition No. 1724 of 2020 is quoted below:

“উপর্যুক্ত বিষয় ও সূত্রোক্ত স্মারক পর্যালোচনা করে দেখা যায়, এলএ মামলা নং ০১(ডি)/২০১৫-২০১৬(১০৪) মূল অধিগ্রহণকৃত জমির অতিরিক্ত ৩৫% ক্ষতিপূরণ চে-য় জনাব ইমন তঞ্চঙ্গ্যা, পিতা: চিরঞ্জীব তঞ্চঙ্গ্যা, সাং। সুফল তঞ্চঙ্গ্যার বাড়ি, মধ্য পাড়া, মানিকছড়ি, রাজামাটি পার্বত্য জেলা মহামান্য সুপ্রিম কোর্টের হাই-কোর্ট বিভাগ রীট পিটিশন নম্বর- ১৭২৪/২০২০, (তারিখ ১৬/০২/২০২০) দা-য়র ক-রন। ইতিমধ্যে ভূমি মন্ত্রণালয়ের সূত্রোক্ত স্মারক হতে জানা যায় উল্লিখিত এল এ মামলার অর্ন্তভুক্ত ভূমি মালিকদের অতিরিক্ত ৩৫% ক্ষতিপূরণ প্রদানের সিদ্ধান্ত গৃহিত হ-য়-ছ। এ -প্রক্ষি-ত রিট পিটিশন নম্বর ১৭২৪/২০২০ এ আ-বদনকারীর দাবী সরকার কর্তৃক বাস্তবায়ন করা হ-য়-ছ।”

Similarly in relation to Writ Petition No. 3120 of 2020 it was decided that;

“উপর্যুক্ত বিষয় ও সূত্রোক্ত স্মারক পর্যালোচনা করে দেখা যায় , এলএ মামলা নং -০২(ডি)/২০১৪-২০১৫ (১৩৪) মূলে অধিগ্রহণকৃত জমির অতিরিক্ত ৩০% ক্ষতিপূরণ চেয়ে জনাব অজিত চাকমা , পিতা মৃত পয়সারাম চাকমা, সাং জগড়াবিল, রাজামাটি সদর থানা, রাজামাটি পার্বত্য জেলা মহামান্য সুপ্রিম কোর্টের হাইকোর্ট বিভাগ রিট পিটিশন নম্বর - ৩১২০/২০২০, (তারিখ ০৮/০৩/২০২০) দায়ের করেন। ইতোমধ্যে ভূমি

মন্ত্রণালয়ের সুত্রোক্ত স্মারক হতে জানা যায় পার্বত্য চট্টগ্রাম (ভূমি অধিগ্রহণ) প্রবিধান, ১৯৫৮ এর অধীন এলএ মামলার অন্তর্ভুক্ত ভূমি মালিকদের অতিরিক্ত ৩৫% ক্ষতিপূরণ প্রদানের সিদ্ধান্ত গৃহীত হয়েছে। এ প্রেক্ষিতে রিট পিটিশন নম্বর ৩১২০/২০২০ এ আবেদনকারীর দাবী সরকার কর্তৃক বাস্তবায়ন করা হয়েছে।”

Thus, it is evident that during the pendency of the Rules, the respondents have redressed the grievance of the petitioners. By way of such subsequent development, the relief sought by the petitioners has already been substantially achieved; therefore nothing remains to be adjudicated in the instant Rules.

Accordingly, both the Rules are disposed of in the light of the decisions made by the Government mentioned hereinabove. The respondents are directed to take immediate steps to disburse the amount to the petitioners.

However, there is no order as to cost.

Communicate a copy of the judgment and order at once.

Sashanka Shekhar Sarkar, J:

I agree.