

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

Writ Petition No. 619 of 2023

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. Mahbubur Rahman and another

...Petitioners

-Versus-

Government of Bangladesh and others

... Respondents

Mr. A.K.M. Daudur Rahman Mina, Advocate

...For the petitioners

Mr. Md. Nasir Shikder, Advocate

...For the respondent No. 2

Mr. Tanim Khan, D.A.G. with

Dr. Mohammad Soeb Mahmud, A.A.G.

Mr. Md. Abul Hassan, A.A.G.

Mr. Sk. Naser Wahed (Shemon), A.A.G.

Mr. Md. Azadul Islam (Azad), A.A.G and

Mr. Md. Tareq Rahman, A.A.G

... For the respondents

Judgment on: 04.09.2025

Present:

Justice Sardar Md. Rashed Jahangir

And

Justice Sheikh Abu Taher

Sardar Md. Rashed Jahangir, J:

The Rule Nisi was issued on an application under article 102 of the
Constitution of the People's Republic of Bangladesh calling upon the
respondent No. 2, Bangladesh Bank to show cause as to why the direction
should not be given to exercise its jurisdiction as contemplated under
section 45 and 49(1)(Cha) of the Bank Companies Act, 1991 to dispose of

the petitioner's application dated 12.01.2023 (Annexure-'C') in connection with the loan liabilities of the petitioner and/or pass such other or further order or orders as to this Court may seem fit and proper.

At the time of issuance of the Rule, operation of the auction scheduled to be held on 22.01.2023 (Annexure-'C') was stayed.

Today learned Advocate for the respondent No. 2 by filing an affidavit-in-opposition apprised this Court that during pendency of the Rule an amicable settlement having been taken place between the petitioners and respondent financial institution and accordingly an agreement of compromise dated 31.07.2024 has been executed and signed with certain terms and conditions upon rescheduling the loan. It is further stated that the writ petitioners have been paying the dues in accordance with the terms and conditions of the agreement dated 31.07.2024.

In view of the above, it appears to us that justice would be best served for now if the petitioners are directed to continue the payment as per the settlement dated 31.07.2024, failing which the law will take its own course.

With the aforesaid direction the Rule is disposed of.

The order of stay is hereby recalled.

Communicate the judgment and order at once.

Sheikh Abu Taher, J:

I agree.