

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

WRIT PETITION NO. 2305 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:

Sanu Miah

...Petitioner

-VS-

Bangladesh and others

....Respondents

None appears

.....For the Petitioner

Mr. Moinuddin Farooqi, Advocate

...for the respondent No. 4

Present:

Mr. Justice Zafar Ahmed

And

Mr. Justice Sardar Md. Rashed Jahangir

Heard on: 23.05.2024

Judgment on: 02.06.2024

Zafar Ahmed, J:

In the instant writ petition, the petitioner has prayed for staying operation of Auction Notice dated 02.02.2023 published in "Daily Khoyai" by the respondent No. 4 under Section 12(3) of the Artha Rin Adalat Ain, 2003.

This Court, on 26.02.2023, issued a Rule Nisi and passed an interim order staying operation of the auction notice dated 02.02.2023 for a period of 3 months subject to the conditions contained therein including a direction upon the petitioner to pay the amount of Tk. 30,00,000/- (Taka Thirty Lac) within the period of 90 (Ninety) days from date and thereafter,

to pay further amount of Tk. 24,00,000/- (Taka Twenty Four Lac) within the period of 12 (Twelve) months in 12 (Twelve) equal installments, failing which the Rule shall stand discharged.

The respondent No. 4 has filed an application for discharging the Rule on the grounds stated therein. Copy of the application has been served upon the learned Advocate of the petitioner. None appeared for the petitioner when the matter was taken up for hearing.

The auction was scheduled to be held on 26.02.2023. Since the date fixed for holding the auction had expired, the Rule has lost its force and the same has become infructuous. Moreover, the petitioner did not comply with the directions passed by this Court. Accordingly, the application for discharging the Rule is allowed.

In the result, the Rule is discharged.

Sardar Md. Rashed Jahangir, J.

I agree