

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

WRIT PETITION NO. 7217 OF 2023.

IN THE MATTER OF :

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

And

IN THE MATTER OF :

Md. Alauddin

.....Petitioner

-VS-

Government of Bangladesh, Represented by the
Secretary, Ministry of Finance, Bank and Finance
Institution Division, Bangladesh Secretariat,
Dhaka and others

.....Respondents

Mr. Tushar Banik, with
Ms. Sagorica Islam, Advocates

.....For the petitioner

Mr. Nawroz Md. Rasel Chowdhury, DAG with
Mr. Md. Azizul Hoque,
Ms. Tahmina Polly, and
Mr. Prince-Al-Masud, AAGs.

....for the respondents

Present :

Mr. Justice Zafar Ahmed

And

Mr. Justice Sardar Md. Rashed Jahangir

Heard and Judgment on: 09.07.2024.

Zafar Ahmed, J.

In the instant writ petition, this Court issued a Rule Nisi on 14.06.2023 calling upon the respondent No. 2 Bangladesh Bank to show cause as to why a direction should not be given to exercise its jurisdiction as contemplated under Sections 45 and 49(1)(Cha) of the Bank Companies Act, 1991 to dispose of the petitioner's application dated 05.06.2023 (Annexure-C1) in connection with the loan liabilities of the petitioner.

At the time of issuance of the Rule Nisi, this Court passed an interim order staying operations of the auction process, scheduled to be held on 14.06.2023, according to auction notice dated 17.05.2023 published by respondent No. 7 in the 'Daily Samokal' for 3 (three) months from date subject to payment of Tk. 50,00,000/- within the period of 90 (ninety) days from the date and thereafter to pay a further amount of Tk. 36,00,000/- within the period of 12 (twelve) months in 12 (twelve) equal installments, failing which the Rule would be discharged with the cost of Tk. 50,000/-. Meanwhile, the respondent bank was directed to maintain status-quo in respect of possession and position of the schedule property as mentioned in the auction notice. Regarding the payment of the rest amount, the petitioner was directed to take the initiative to settle the matter with the respondent bank. This Court further directed respondent Nos. 2 and 7 to dispose of the petitioner's application dated 05.06.2023 as contained in Annexure-C1 and C to the writ petition within 60 (sixty) days from the date of receipt of a copy of this order in accordance with law and to recover the loan amount, the respondent bank is at liberty to file Artha Rin Suit against the petitioner in accordance with the law.

Today, when the matter was taken up for passing necessary order, the learned Advocate appearing for the petitioner filed a supplementary affidavit annexing a certificate dated 23.04.2024 and submits that the petitioner has complied with the conditions laid down in the interim order *i.e.* direction upon the petitioner to pay total tk. 86,00,000/-. It appears from the said certificate dated 23.04.2024 issued by the respondent Pubali Bank that as on 31.03.2024 the petitioner had deposited tk. 86,68,485.85/-.

Since the petitioner has complied with the directions passed by this Court, he is directed to take initiative to settle the matter with the respondent Pubali Bank in respect of payment of the rest of the amount in accordance with law. The concerned respondent bank is at liberty to proceed with the matter in accordance with law.

With the above observations and directions, the Rule is disposed of.

Sardar Md. Rashed Jahangir, J.

I agree.