

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

Present:

Justice Sheikh Abdul Awal

And

Justice S.M. Iftekhhar Uddin Mahamud

Writ Petition No. 2433 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:

Mohammad Arman Ali.

..... Petitioner.

-Versus-

The Secretary, Ministry of Religious
Affairs and others.

..... Respondents.

Mr. Zulfiqur Ahmed with

Mr. Sayed Mohammod. Khan, Advocates

..... For the Petitioners

Mr. Muhammad Mijanur Rahman, Advocate

..... For Respondent Nos. 4-13

Mr. Md. Mohsin Kabir, D.A.G with

Mr. A.K.M. Rezaul Karim Khandaker, D.A.G

Ms. Shaheen Sultana, A.A.G with

Mr. Md. Manowarul Islam Uzzal, A.A.G

... For the Government.

Heard on 08.12.2025 and

Judgment on 10.12.2025

Sheikh Abdul Awal, J:

On an application under Article 102 of the Constitution of the People's Republic of Bangladesh, this Rule Nisi was issued calling upon the respondents to show cause as to why the impugned Memo No. 16.02.0000.036.31.000.62/84 dated 11.01.2023 (Annexure-I)

signed by the Assistant Administrator of Waqf (respondent No. 3) on behalf of the Administrator of Waqf (respondent No. 2) approving a committee for 3 years of Baksu Mia Majhi and others Waqf Estate (E.C. No. 13912) should not be declared illegal, without lawful authority and is of no legal effect and/or such other or further order or orders passed as to this Court may seem fit and proper.

Mr. Zulfiquir Ahmed, the learned Advocate appearing for the petitioner at the very outset submits that the tenure of the committee for 3 years of Baksu Mia Majhi and others Waqf Estate (E.C. No. 13912) has already been expired and thus the rule has lost its force in that view of the matter a direction may be given to the Waqf Administrator to appoint a new Mutwalli in the interest of the Waqf Estate .

Mr. Muhammad Mijanur Rahman, the learned Advocate appearing for the respondent Nos. 4-13, on the other hand, by filing supplementary affidavit dated 09.12.2025 submits that since the petitioner filed the writ petition challenging the memo dated 11.01.2023 approving the committee for a period of 3 years with effect from 07.12.2022 in which the present writ petitioner was made a member and meanwhile, the tenure of the committee has already been expired and that the rule has lost its force and thus, justice demands that the rule may be discharged as being in fructuous.

Mr. Mohammad Mohsin Kabir, the learned Deputy Attorney General, on the other hand, supports the contentions of the learned Advocates for both the parties.

Having heard the learned Advocates for both the parties and the learned Deputy Attorney General and having gone through the

writ petition and other relevant documents as placed before this Court.

Considering all the facts and circumstances of the case as revealed from the materials on record, we think that since the tenure of the committee of Baksu Mia Majhi and others Waqf Estate (E.C. No. 13912) has already been expired and that the rule lost its force. As such, there is a good deal of persuasion in the submission of the learned for both the parties and accept the same. A case for a direction to appoint a regular or official Mutwalli of the Waqf Estate has been made out.

In the result, the Rule is discharged as being in-fructuous. However, in the facts and circumstances of the case, the respondent No.2, the Administrator of Waqf is hereby directed to appoint a Mutwalli of “Baksu Mia Majhi and others Waqf Estate (E.C. No. 13912), as early as possible preferably within a period of 6 weeks from the date of receipt of this order in accordance with law. There will be no order as to costs. The order of stay granted earlier is hereby vacated.

Communicate this order at once.

S.M. Iftekhar Uddin Mahamud, J:

I agree.