

District: Dhaka

In the Supreme Court of Bangladesh
High Court Division
(Civil Revisional Jurisdiction)

Present

Mr. Justice Md. Zakir Hossain

Civil Revision No. 5296 of 2023

Joya Kabir

.....Plaintiff-Petitioner

-Versus-

Dr. ATM Shamsul Huda, Chief Election
Commissioner for American Alumni
Association Election 2023-2025 and others

.....Defendant-Opposite Parties

Mr. Tanjib-Ul-Alam, Senior Advocate with
Mr. Ragib Kabir, Advocate

..... For the petitioner

Mr. Ahsanul Karim, Senior Advocate with

Mr. Majibul Haque Bhuiyan, Advocate

.....For the opposite parties

Heard on:28.02.2024

Judgment on:18.03.2024

At the instance of the petitioner, the *Rule* was issued by this Court
with the following terms:

“Records of the case need not be called for.

*Let a Rule be issued calling upon the opposite
parties-defendants to show cause as to why the
impugned Order No. 2 dated 15.10.2023 passed by
the learned Joint District Judge, 1st Court, Dhaka
in Title Suit No. 812 of 2023 shall not be set aside
so far as it relates to failure to issue an ad-interim
temporary injunction on the election of Execution
Council of the American Alumni Association for*

2023-2025 scheduled to be held on 28.10.2023 and restraining the defendants from taking any steps whatsoever in relation to the election of Executive Council for 2023-2025 of American Alumni Association and/or such other or further order or orders passed as to this Court may seem fit and proper.”

Facts leading to the issuance of the Rule are *inter alia* that the petitioner being plaintiff instituted Title Suit No. 815 of 2023 before the Court of the learned Joint District Judge, First Court, Dhaka for declaration that the cancellation of the candidacy of the plaintiff vide the notice dated 09.10.2023 for electing the Executive Council for 2023-2025 of the American Alumni Association issued under the signature of the defendant No. 1 is illegal, void, inoperative and is of no legal effect and other incidental reliefs. The petitioner also filed an application for temporary injunction. Upon hearing, the learned Joint District Judge without passing any order of ad-interim injunction only issued 5 (five) days show cause notice upon the opposite parties. Impugning the judgment and order of the learned Joint District Judge, the petitioner moved this Court and obtained the aforesaid Rule and stay therewith.

Heard the submissions advanced by the learned Advocates of the parties at length and thoroughly considered the attending facts and circumstances of the case. The convoluted question of law embroiled in this case has meticulously been waded through.

The learned Advocates of the parties candidly concede that the petition for temporary injunction should be disposed of on merit by the learned Joint District Judge. Accordingly, I find substance therein. Justice will be best served if the petition for temporary injunction is disposed of on merit by the learned Joint District Judge with utmost expedition.

In the above backdrop, the learned Joint District Judge, First Court, Dhaka is directed to dispose of the application for temporary injunction independently and dispassionately on merit within 04 (four) weeks from the date of receipt of the case of this judgment positively. Till then, the parties are directed to maintain *status quo* in respect of holding the election of the Executive Council of the American Alumni Association for 2023-2025.

With the above observation and direction, the Rule is disposed of. The earlier order of stay granted by this Court, thus, stands recalled and vacated.

Let a copy of this judgment be transmitted to the Court below at once.

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Md. Zakir Hossain, J