

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

Writ Petition No.6433 of 2008

IN THE MATTER OF:

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

AND

IN THE MATTER OF:

Shahnur Begum and another

....Petitioner

Versus

Government of the People's Republic of
Bangladesh, represented by the
Secretary, Ministry of Housing and
Works, Bangladesh Secretariat, Ramna,
Dhaka and others

....Respondents

Mr. Abdullahil Maruf Fahim, Advocate

....For the Petitioner

Mr. Md. Abdul Malek, Advocate

....For the Respondent No.4

Present:

Mr. Justice Md. Jahangir Hossain

And

Mr. Justice S M Masud Hossain Dolon

Heard and Judgment on: 05.12.2023.

Md. Jahangir Hossain, J:

On an application under article 102 of the Constitution, the
Rule Nisi was issued in the following terms:

"Let a Rule Nisi be issued calling upon the respondents
to show cause as to why the action of respondent Nos.4
and 6 varying the decision of the Executive Committee
of the National Economic Council (ECNEC) dated
08.10.2007 for implementing Integrated Development of
Hatirjhil Area including Begunbari Khal and thereby

moving to acquire the private land of the petitioners in C.S. Khatian No.107, C.S. Plot No.560, S.A. Khatian No.605, S.A. Dag No.1375, R.S. Plot No.1618/70 and Dhaka Mohanagar D.P Khatian No.580, Plot No.4003 measuring 0412 ajutangsha bounded by Mohammad Mohibullah in North, Abul Khayer and others in South, Md. Mohibullah and proposed 20 feet road at khas land in East and Mohammad Mohibullah in West of Mouza Tejkunipara, at present Tejgaon Industrial Area, District Dhaka should not be declared to have been issued without lawful authority and is of no legal effect and /or pass such other or further order or orders as to this Court may seem fit and proper.”

Facts relevant for disposal of the Rule in short, are that the petitioners are owner of the said land. Though the two registered deeds being Deed No.1178 dated 14.02.2007 and Deed No. 1177 dated 14.02.2007 and possessing the land by development with connection electricity and WASA and Development Proposal (DPP) was prepared by the RAJUK, respondent No.4 in August, 2007 and at page 6 of the DPP the project area was shown to be approximately 244.7474 acres to implement the Integrated Development of Hatirjhil Area including Begunbari Khal, hereinafter referred to as the Hatirjhil Area including Begunbari Khal, named as Hatirjhil Project. There is no necessity of acquiring petitioner’s land because of the availability of huge vacant land. The RAJUK has been confined with the decision of the ECNEC held on 08.10.2008. The ECNEC being the higher authority to approve the project, the RAJUK and Ministry of Housing and Public Works have acted beyond its own jurisdiction by giving Administrative approval for more land to be acquired which is liable

to be declared to have been decided with lawful authority and is of no legal effect. Hence the matter.

Mr. Abdullahil Maruf Fahim, learned Advocate for the petitioners submits that the project has been implicated and the land has been acquired by the Government. As such there is no cause and grounds exist in this writ petition.

On the other hand Mr. Md. Abdul Malek, learned Advocate for the respondent No.4 submits that RAJUK acquired the land by the procedural law and project has been implicated. Upon such the matter become infructuous.

We have gone through the record. Perused the affidavit and objection it appears the Hatirjhil Project already been implicated. We do not find any cause to consider the Rule.

Considering the submissions of both the learned Advocate and papers we are of the view that there is no merit in the Rule.

Accordingly, the Rule is discharged.

However, there would be no order as to costs.

S M Masud Hossain Dolon, J:

I agree.