

IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

[WRIT PETITION NO. 12703 of 2022](#)

IN THE MATTER OF:

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

-And-

IN THE MATTER OF:

Habib Molla

.... Petitioner

-versus-

Judge (Joint District Judge), Land Survey Tribunal,
Jhalakathi and others

.... Respondents

Mr. S.M. Aminul Islam, Advocate

... for the petitioner

Mr. J.R. Khan Robin, DAG with

Mr. Md. Osman Gani, DAG with

Mr. Ahmed Musanna Chowdhury, AAG with

Ms. Kamrunnahar Tamanna, AAG

....For the Respondents

Heard on: 25.01.2026 and 08.02.2026

Judgment on: 16.2.2026 A.D.

Abdur Rahman, J:

By filing this writ petition, under article 102 of the Constitution of the People's Republic of Bangladesh, the petitioners challenged the legality of the order dated 3.08.2022 passed by the learned Judge, Land Survey Tribunal, Jhalakathi in Land Survey Tribunal Suit No. 801 of 2014. After hearing, this Court was pleased to issue Rule Nisi calling upon the respondents Nos.1-9 to show cause as to why the Judgment and Decree dated 03.08.2022 (decree signed on 09.08.2022) passed by the learned Judge, Land Survey Tribunal, Jhalakathi in Land Survey Tribunal Suit No. 801 of 2014 (Annexure- D and D-1) decreeing the suit in favor of the plaintiffs should be declared to have been passed without lawful authority and is of no legal effect, etc.

The main contention of the writ petition is that as the appellate forum of the said judgment and decree i.e. the Land Survey Appellate Tribunal has not been come into operation at

time relevant time for the instant case, therefore the petitioner has no other alternative forum but to file this writ petition.

In this context, we find that the Land Survey Appellate Tribunal in Bangladesh was first provided for in law in 2004 when the State Acquisition and Tenancy (Amendment) Act, 2004 incorporated both the Land Survey Tribunal and the Land Survey Appellate Tribunal into the legal framework for handling land survey disputes.

However, although the law envisaged such an Appellate Tribunal from 2004, for many years no tribunal was formally established by government notification. Only with the gazette publication of an amended Act in 2023 (State Acquisition and Tenancy (Amendment) Act, 2023) were the legal steps taken to constitute the Land Survey Appellate Tribunal under the revised law. The Government vested the power to learned District Judge and equivalent to it of each District for hearing the Appeal arising out of the Judgment and Decree of the learned Land Survey Tribunal suits.

Heard the learned Advocate for the contending parties, perused the writ petition along with its annexure, and other materials on record placed before us.

It appears that some factual aspects are involved with the impugned judgment and decree and the Land Survey Appellate Tribunal is the proper forum to adjudicate the same. It also appears that till filing this writ petition no Land Survey Appellate Tribunal was in operation, but during the pendency of the Rule the Government has established the same.

In a similar situation, another Bench of the High Court Division of the Supreme Court of Bangladesh in Kazi Sakib Bin Rahim and others Vs. Ehsanul Alim and others (Writ Petition No. 2211 of 2019) held that-

“Accordingly, the Rule is disposed of with the following directions:

- (i) The petitioners are at liberty to file an appeal before the Land Survey Appellate Tribunal as established by the Government,*

(ii) If the petitioners intended to prefer an appeal before the Land Survey Appellate Tribunal having jurisdiction, the petitioners are directed to file such appeal within 90 (ninety) days from the date of receipt of this order,

(iii) The impugned judgment shall remain stayed till filing of appeal by the instant petitioners within the period set out in direction no (ii); and

(iii) The parties are directed to maintain status quo in respect of possession of the land in question till filing of the appeal.”

In view of the aforesaid proposition of law and facts, we are of the view that justice would be best served if without entering into the merit of the case the Rule is disposed of with the above directions taken by their Lordships in Writ Petition No. 2211 of 2019.

Accordingly, the Rule is disposed of as per aforementioned observations and directions without any order as to costs.

Communicate the judgment and order at once.

Learned Advocate for the petitioner is permitted to take back the certified copies of the Annexure replacing by the photocopies of the same (if required).

(Abdur Rahman, J)

K.M. Hafizul Alam, J:

I agree.

(K.M. Hafizul Alam, J)