

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

Present:
Justice Sheikh Abdul Awal
And
Justice S.M. Iftekhar Uddin Mahamud

Writ Petition No. 15703 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:

Parvin Chowdhury.

..... Petitioner.

-Versus-

Government of Bangladesh represented by the Secretary, Ministry of Liberation War Affairs and others.

.....Respondents.

Mr. Mohammad Mehedi Hasan , Advocate

..... For the Petitioners

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

Ms. Shahin Sultana, A.A.G with

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

... For the Government-Respondents.

Heard on 10.11.2025 and

Judgment on 17.11.2025

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 decision taken by the respondent No. 8 allowing 50% freedom fighter

allowances and other benefits in favour of the respondent No. 12 as wife of late Md. Elias Chowdhury vide resolution No. 09, dated 29.09.2022(Annexure-D) should not be declared to have been made without lawful authority and is of no legal effect and as to why a direction should not be issued upon the respondent No. 7 to dispose of the petitioner's representation dated 23.10.2022 (Annexure-E) for paying the 100% freedom fighter allowance and other benefits in full to the petitioner as sole successor being daughter of heroic Freedom Fighter, late Md. Elias Chowdhury and/or such other or further order or orders passed as to this Court may seem fit and proper.

The facts of the case as stated in the writ petition briefly are that the father of the petitioner Freedom Fighter Md. Elias Chowdhury died on 03.08.2009 and thereafter, the petitioner as sole daughter has been enlisted as sole successor of deceased freedom fighter Md. Elias Chowdhury and accordingly her name appeared in the website as per succession certificate and in this way the petitioner has been enjoying state honorarium since 2016. In this background, respondent No.12, Mrs. Achiya Begum claiming herself as 2nd wife of deceased Freedom Fighter, Md. Elias Chowdhury on 30.03.2022 applied for state honorarium and other benefit before respondent No.9, District Commander, Bangladesh Muktijoddha Sangshad, Muktijoddha Command Council, Sylhet annexing a nikahnama dated 13.08.2004 together with notarized affidavit dated 20.03.2022, certificates issued by the Chairman and Member of the local Union Parishad dated 20.02.2022 and 07.02.2022 respectively. Taking into Consideration the said application and annexed papers, the respondent No.8, local U.N.O. & Chairman, Upazilla Muktijoddha Sommani Bhata Songkranto Bastobayon Committee, Fensugonj, Sylhet passed a resolution

allowing 50% Freedom Fighter allowance and other benefits in favour of the respondent No. 12 Mrs. Achiya Begum as 2nd wife of deceased Freedom Fighter, Md. Elias Chowdhury.

Aggrieved thereby the present petitioner filed this writ petition and obtained the present Rule.

Mr. Mohammad Mehedi Hasan, the learned Advocate appearing for the petitioners submits that the respondent No.12 relying on fake nikahnama and some created documents claimed 50% state honorarium of the petitioner's father Freedom Fighter, Md. Elias Chowdhury although the respondent Nos. 8 and 9 without consider the matter from a correct angle abruptly allowed 50% state honorarium and other benefits in favour of the respondent No.12 Mrs. Achiya Begum as 2nd wife of deceased Freedom Fighter, Md. Elias Chowdhury and under such facts and circumstances a direction may be given upon the Deputy Commissioner to investigate the matter in accordance with law in order to proper adjudicate the matter.

Mr. Mohammad Mohsin Kabir, the learned Deputy Attorney General, on the other hand, opposes the Rule. He referring the resolution made by local U.N.O. & Chairman, Upazilla Muktijoddha Sommani Bhata Songkranto Bastobayon Committee, Fensugonj, Sylhet as evidenced by "Annexure-D" to the writ petition submits, the resolution itself manifest that the respondent No.12 Achiya Begum is the actual wife of deceased Freedom Fighter, Md. Elias Chowdhury and that she is entitled to get state honorarium of the deceased Freedom Fighter. He adds that in the facts and circumstance the impugned order dated 29.09.2022 is just and proper and as such, the same should not be disturbed.

Having heard the learned Advocate for the petitioner and the learned Deputy Attorney General and having gone through the writ

petition, its annexures and other documents including the relevant law.

On scrutiny of the record, it appears that the present petitioner as sole heir of deceased freedom fighter has been getting state honorarium on behalf of her deceased father since 2016 to till 2022 and thereafter on 30.03.2022 the present respondent No.12 claiming herself as 2nd wife of deceased Freedom Fighter Md. Elias Chowdhury filed an application before the respondent No.9, District Commander, Bangladesh Muktiyoddha Sangshad, Muktiyoddha Command Council, Sylhet annexing nikahnama and other documents and claimed 50% of state honorarium as legal heir of deceased freedom fighter Md. Elias Chowdhury and accordingly an investigation was held and after thorough investigation into the matter under the signature of the respondent No. 8, local U.N.O. & Chairman, Upazilla Muktiyoddha Sommani Bhata Songkranto Bastobayon Committee, Fensugonj, Sylhet made a resolution in the following language:

“উপর্যুক্ত লিখিত বক্তব্যসমূহ এবং ইয়া মুক্তিযোদ্ধা ইলিয়াছ চৌধুরী মৃত্যুবরণ করায় ইউনিয়ন পরিষদের চেয়ারম্যান সনন্দ পর্যালোচনায় এবং ভাতা প্রদানের নীতিমালা অনুযায়ী মুক্তিযোদ্ধার প্রথম স্ত্রী পেনুরা বেগম (মৃত) এর একমাত্র সন্তান পারাভীন চৌধুরী এবং দ্বিতীয় স্ত্রী আছিয়া বেগম মৃত বীর মুক্তিযোদ্ধা ইলিয়াছ চৌধুরীর মুক্তিযোদ্ধা ভাতাপ্রাপ্তির জন্য উত্তরাধিকারী/ওয়ারিশ প্রতিয়মান হয়।

আছিয়া বেগমের আবেদন বিস্তারিত যাচাই-বাছাই করে মৃত বীর মুক্তিযোদ্ধা ইলিয়াছ চৌধুরীর মুক্তিযোদ্ধা ভাতার ১০০% তার ওয়ারিশ যথাক্রমে প্রথম স্ত্রী পেনুরা বেগম (মৃত) এর একমাত্র সন্তান পারাভীন চৌধুরী এবং দ্বিতীয় স্ত্রী আছিয়া বেগম এর মধ্যে ৫০% করে জাতীয় পরিচয়পত্রের ফটোকপি প্রদান এবং হিসাব খোলার শর্তে প্রতিস্থাপনের মাধ্যমে প্রদানের জন্য অদ্য ২৯.০৯.২০২২ তারিখ শুনানী অন্তে উপজেলা মুক্তিযোদ্ধা সম্মানী ভাতা বিতরণ সংক্রান্ত বাস্তবায়ন কমিটির সভায় উপর্যুক্ত লিখিত বক্তব্য এবং সকল প্রকার কাগজপত্র পর্যালোচনান্তে সর্বসম্মতিক্রমে সিদ্ধান্ত গৃহীত হয়।”

I have gone through the above decision to the best of my ability vis-à-vis the kabinnama, chairman certificate issued by the local chairman and members and find no flaw therein (Annexure-

D). The impugned decision based (Annexure-D) on the documentary evidence on record, this Court will generally not interfere in its writ jurisdiction (under Article 102 of the Constitution of Bangladesh) when the decision is supported by valid, substantiated records, or if the case involves re-appreciating evidence. Writ jurisdiction is not meant to sit as an appellate court to re-settle questions of facts if they have been already decided by a competent authority based on documentation.

The impugned decision (Annexure-D) appears to be well founded in facts and law. No interference is therefore called for.

In the result, the Rule is discharged. In the facts and circumstances of the case there will be no order as to costs.

Communicate this order.

S.M. Iftekhar Uddin Mahamud, J:

I agree.