

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

Writ Petition No. 9068 of 2024

IN THE MATTER OF:

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

-AND-

IN THE MATTER OF:

Md. Nizam Uddin

.....Petitioner

-Versus-

Present:

Mr. Justice Sashanka Shekhar Sarkar
And
Justice Urmee Rahman

Government of the People's Republic of
Bangladesh, Ministry of Land and others
..... Respondents

Mr. S.M. Kafil Uddin, Advocate with
Mr. Mia Mohammad Ishtiaque, Advocate
...For the petitioner
Mr. Ekramul Haque Tutul, Advocate with
Mr. Md. Harun Or Rashid, Advocate
....For the respondent No. 10
Mr. A.K.M. Badruddoza, Senior Advocate with
Mr. Md. Ibrahim Hossain, Advocate and
Ms. Sabnam Mustary, Advocate
....For the respondent Nos. 11(a) to 11(c)
Mr. Muhammad Arifujjaman Khan, Advocate
....For the respondent No. 12

Heard on 08.03.2026, 27.04.2026, 18.05.2026,

07.07.2026 and 29.07.2026

Judgment on 15.09.2026

Urmee Rahman, J. :

In the instant matter a Rule Nisi was issued on an application under Article 102 of the Constitution of the People's Republic of Bangladesh in the following terms:

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the impugned Memo No. 31.03.2692.003.06.001.017-124 dated

09.05.2024 and letter issued by the respondent No. 7, Assistant Commissioner and Record Room's Deputy Collector vide Memo No. 05.41.2600.014.46.108.20-547 dated 28.05.2024 (Annexures-G, G-1, H and I) arbitrarily and most illegally trying to replace the valid and legal khatian of the petitioner being No. 5514, Mouza-Uttar Khan, P.S.-Uttara, Dhaka City Corporation should not be declared to have been made 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."

It was further ordered that, during pendency of the Rule the operation of the impugned memos shall be stayed for a period of 06(six) months, which has been extended from time to time.

Challenging the said order of stay the respondents filed Civil Petition for Leave to Appeal No. 3274 of 2024 and the Hon'ble Judge in Chamber passed no order and further directed the High Court Division to hear the matter on merit.

Relevant facts for disposal of the instant Rule as has been narrated in the writ petition, in brief, are that, 3.85 acres of land appertaining to C.S. khatian no. 821 situated at Mouja-Uttarkhan, P.S.-Keraniganj, District-Dhaka was prepared in the name of Kudrat Ali as possessor, who is the grandfather of the petitioner. Kudrat Ali died leaving behind three sons namely Mogrob Ali, Haji Akbar Ali, Hasen Uddin and three daughters namely Keya Bibi, Liyakat Bibi and Sakina Banu. Accordingly, the S.A. record was prepared in the names of the heirs of Kudrat Ali. Each son of

Kudrat Ali received $2/9^{\text{th}}$ share of the total land i.e. 0.855 acre each and each daughter received $1/9^{\text{th}}$ of the total land i.e. 0.427 acre each. In this way petitioner's father Hasen Uddin became the owner of 0.855 acre of land by way of inheritance and S.A. khatian no. 1251 was prepared in his name. Hasen Uddin died leaving behind one son Md. Nijam Uddin i.e. the petitioner, as his lawful heir. Hasen Uddin had a daughter namely, Rabeya Khatun, who died before 1961 and as such she was not included as an heir of Hasen Uddin. Thereafter R.S. record was prepared in the name of the petitioner only in khatian no. 5514. The petitioner has been living in the schedule property by constructing a building thereon. He has been paying the holding tax to the Dhaka North City Corporation, and also has been paying all the utility bills regularly.

After publication of final khatian in the name of the petitioner, added respondent no. 11 made an application before the Assistant Settlement Officer for correction of R.S. khatian no. 5514, which was rejected on 03.12.2012. Thereafter he instituted Title Suit No. 395 of 2013 (subsequently renumbered as Title Suit No. 601 of 2023) before the Court of Assistant Judge, 2nd Court, Dhaka impleading the petitioner as defendant and praying for a declaration that the final publication of the R.S. khatian no. 5514 in the name of the petitioner is unlawful, ineffective and not binding upon the plaintiff. Later, on 11.08.2024 the suit was withdrawn at the instance of the plaintiff. Over the self same land the respondent no. 10, Mohammad Mosaddeq Ali, filed Title Suit No. 1257 of 2022

before the Senior Assistant Judge, 2nd Court, Dhaka and Title Suit No. 373 of 2016 before the court of Joint District Judge, 1st Court, Dhaka. In that suit an order of temporary injunction was prayed for by the plaintiff, which was refused by the order dated 28.02.2024. The respondent no. 10 also filed a criminal case against the petitioner being CR. Case No. 98 of 2023 before the Metropolitan Magistrate Court No. 21 under Sections 406/420/467/468/471 of the Penal Code, in which a report was submitted by the PBI with the finding that fraud has been committed by the accused in obtaining the final record in his name. The criminal case was ultimately dismissed under Section 203 of the Code of Criminal Procedure with the comment that, since a number of civil suits are pending regarding the property, criminal court does not have any jurisdiction to take cognizance of the allegation. Although the criminal case was dismissed, on the basis of that PBI report the Deputy Director of Land Record and Survey Department issued the impugned letter dated 09.05.2024 directing to publish a corrected khatian. Consequently, the Assistant Commissioner and Record Room Deputy Collector issued the letter on 28.05.2024 to the Assistant Commissioner (Land) Cantonment Revenue Circle, Dhaka and directed to add the new khatian in the volume.

Being aggrieved thereby and there having no other equally efficacious remedy available, the petitioner has been constrained to file the instant writ petition and obtained the present Rule and order of stay.

On an application for status quo filed on behalf of the petitioner this Division was further pleased to issue an order of status quo regarding the possession and position of the case land by the order dated 01.07.2025.

Learned Advocate Mr. S.M. Kafil Uddin appears with Mr. Mia Mohammad Ishtiaque, for the petitioner and submitted that, the petitioner inherited the property from his father. His father inherited the property from petitioner's grandfather. There is no dispute about the chain of ownership. Thus, the impugned letters issued by the respondents are illegal and liable to be declared to have been issued without lawful authority.

Learned Advocate further submitted that, only the civil court has the jurisdiction to pass a declaration that the finally published khatian is illegal and void, no other authority has jurisdiction to make such declaration. In the instant case the respondent authority most illegally ordered to publish a new khatian which is beyond the lawful jurisdiction. This kind of arbitrary action cannot be sustained in the eye of law.

He next submitted that, the Police Bureau of Investigation (PBI) submitted the report in a Criminal Case being No. 98 of 2023 pending the court of Metropolitan Magistrate, Dhaka. This criminal case was ultimately dismissed. The learned Metropolitan Magistrate rightly held that civil court is the proper forum to rectify the existing khatian. But, the respondents relying upon that report most illegally and arbitrarily passed an order for publishing a new

khatian, which is liable to be declared to have been done without lawful authority and is of no legal effect.

He further submitted that, the Deputy Secretary, Zonal Settlement Office, Dhaka gave a report in the year 2021 and stated that the khatian No. 5514 has been correctly published in the name of the petitioner following all the rules and regulation. Subsequently, by getting some illegal inducement he wrote a biased report and relying upon the biased report the respondents took steps to publish new khatian, which is without lawful authority and is of no legal effect.

He also submitted that, the petitioner has been in possession of the schedule property for more than 60 years. He has been paying the holding tax along with all the utility bills. The respondents without considering these aspects issued the impugned letters whimsically, which are liable to be set aside for ends of justice.

He finally submitted that, the respondents without giving any show cause notice and/or showing any cogent reason denied the legal right of the petitioner in clear violation of natural justice. Hence the impugned actions are liable to have been done without lawful authority and are of no legal effect.

On separate applications for addition of party, this Court was pleased to add the respondent no. 10, 11 and 12 by the respective orders dated 20.10.2024, 29.10.2024 and 09.07.2025.

Learned Advocate Mr. Ekramul Haque Tutul with Mr. Md. Harun Or Rashid appeared on behalf of the Respondent No. 10,

Learned Advocate Mr. A.K.M. Badruddoza appeared on behalf of Respondent no. 11 and Learned Advocate Mr. Muhammad Arifujjaman Khan appeared on behalf of the Respondent no. 12. They opposed the Rule by filing separate affidavits in opposition.

Learned Advocate for the respondent no. 10 submitted that, no khatian was ever prepared in the petitioner's name, he managed to manipulate the latest khatian by means of fraud, which is evident from the investigation report submitted by the PBI in CR. Case No. 98 of 2023 and the inquiry report of the Zonal Settlement Officer, Dhaka. He has no *locus standi* to file the instant writ petition and it has been filed on suppression of materials facts. The writ petition also involves many disputed questions of fact. Hence, the Rule is liable to be discharged for not being maintainable.

Learned Advocate further submitted that, the petitioner challenged the memo dated 01.04.2014 by which direction was given to prepare the khatian in the name of the respondent no. 11 and also the memos dated 09.05.2024 and 28.05.2024, however on the basis of those memo subsequent memos dated 07.07.2024, 11.08.2024 and 15.08.2024 have been issued cancelling the fraudulently created khatian in the petitioner's name. Therefore, the instant Rule has become infructuous and consequently is liable to be discharged.

Learned Advocate finally submitted that, the petitioner has come in writ jurisdiction despite there having availability of an

efficacious and alternative remedy of filing civil suit, as such the Rule is liable to be discharged at once.

Learned Advocate for the respondent no. 11 submitted that, the C.S. recorded tenant of the case property was Kudrat Ali, after whose death the S.A. khatian was prepared in the names of his successors. The respondent no. 11 subsequently purchased the property from the heirs of the S.A. recorded owners by executing several registered deeds. During the R.S. operation the draft khatian was prepared in his name. One Fazilatun Nessa filed an objection under Rule 30 of the Tenancy Rules regarding her entitlement of 6.75 decimals of land. The objection case was dismissed but on appeal under Rule 31, it was allowed and 6.75 decimals of land was recorded in her name in a separate khatian no. 16689. 103.85 decimals of land of plot no. 842 was mutated in the names of the respondent no. 11 and three others. During the city survey, their lands were recorded in the D.P. khatian no. 5514. Despite filing application dated 15.11.2012 and 28.11.2021 by the respondent no. 11, the respondent no. 5 i.e. the Zonal Settlement Officer, Tejgaon, Dhaka did not take any step to enclose the khatian in the volume, for which he could not pay the Land Revenue Tax. Thereafter, upon search with the office of the respondent no. 4, it was found out that, final khatian has been printed in the name of the petitioner behind the back. Challenging the same he filed Title Suit No. 395 of 2013 before the Court of the Senior Assistant Judge, Dhaka, which on transfer was renumbered as Title Suit No. 601 of 2023.

After issuance of the impugned order dated 28.05.2024 the respondent No. 11 withdrew the suit on 11.08.2024.

Learned Advocate for the respondent no. 11 further submitted that, the petitioner suppressed the fact that after preparation of the D.P. khatian, he did not file any objection under Rule 30 of the Tenancy Rules, 1955. Yet he managed to make entry in the final publication of record of right by means of fraud and created a fake khatian in his name. As such the instant Rule is liable to be discharged.

Learned Advocate finally submitted that, they have been in possession of the case land since purchase and mutated the land in their respective names in the year 1992-93 and obtained DCR. Hence, the final record of right in the name of the plaintiff has no lawful basis and the impugned memos were rightly and lawfully issued by the respondents. The instant Rule having no merit is liable to be discharged.

Likewise the learned Advocate for added respondent no. 12 also prayed for discharging the Rule claiming himself a subsequent purchaser and adopting the submissions made by the respondent nos. 10 and 11.

In reply learned Advocate for the petitioner submitted that, at the time of issuance of the Rule on 16.07.2024 the operation of the impugned memos dated 01.04.2024, 09.05.2024 and 28.05.2024 were stayed and the petitioner communicated the order to the respondents on 01.08.2024. The Additional Deputy Commissioner

(Revenue) by issuing the memo dated 12.09.2024 (Annexure M-1) directed to stay all further proceeding in relation to the case land. Hence, the contention of the learned Advocates for the added respondents that the Rule has become infructuous does not hold any substance.

We have heard the learned Advocates for the respective parties and perused the writ petition, affidavits in opposition and all the documents on record.

From the content of the writ petition and the affidavits in opposition it appears that, there is a clear dispute between the parties as to the question of title and possession. However, the writ petition has been filed in the form of *certiorari* challenging the legality of the memos issued by the Government Officials. In writ jurisdiction, therefore, the question that falls for our consideration is not the determination of the disputed questions of title or possession, but whether the respondent authority, in issuing the impugned memos, acted within the lawful jurisdiction. The existence of a dispute as to title and possession, by itself, does not preclude this Court from examining whether the impugned actions of the public authorities were without or in excess of jurisdiction, or otherwise contrary to law.

On meticulous perusal of the documents on record we find that, the petitioner claims himself as the owner of the property by way of inheritance as the only heir of his deceased father Hasen Ali, son of Kudrat Ali, the C.S. recorded tenant. In support of his

case the petitioner submitted the C.S. khatian, S.A. khatian and heir certificate.

In the plaint of Title Suit No. 373 of 2016 filed by the Respondent no. 10 against the petitioner in the Court of Joint District Judge, 1st Court, Dhaka (Annexure L-2) it has been stated that the petitioner Nizam Uddin is an heir of late Hasen Ali and he inherited 8050 ajutangsho of land from his father. However, in that plaint it has been claimed that Hasen Ali also had a daughter namely Rabeya Begum, who also inherited 4025 ajutangsho and died leaving behind two sons Islam Uddin and Nurul Islam and the respondents purchased the property from them. It is the petitioner's case that Rabeya Begum died before her father in 1961 and he remained as the sole heir of his father.

Whatever the case may be, the admitted fact remains that, the petitioner is an owner by way of inheritance of the original recorded owner and the added respondent nos. 10-12 are the subsequent purchasers from heirs of the recorded owners.

It further appears from the record that, after publication of the final khatian in the petitioner's name, Khalilur Rahman Chowdhury, the added respondent no. 11, made an application dated 28.11.2012 (Annexure J to the supplementary affidavit dated 26.11.2025) before the Settlement Officer, Directorate of Land Survey and Record alleging inter alia that, the draft record of the land measuring an area of 9144 ajutangsho appertaining to khatian no. 5514 corresponding to plot nos. 23400 and 23421 was prepared

in the names of Kalilur Rahman Chowdhury and three others as owners by purchase; against the draft record one Fazilatunnessa filed Objection Case under Rule 30 of Tenancy Rules, 1955 praying for recording her name regarding 675 ajutangsho land, which was rejected. On appeal it was allowed and 8469 ajutangsho land was recorded in the names of Khalilur Rahman Chowdhury and others. Since the final record has not been included in the volume, they were unable to pay the rent. As such, in the application he prayed that, the khatian no. 5514 be included in the volume.

The Assistant Settlement Officer, Sadar replied stating that, final record of that area has been published in the official Gazette on 16.04.2009 and has been handed over to the Deputy Commissioner, Dhaka on 18.04.2010. Since the final gazette has been published, the Survey Department does not have any jurisdiction to make any correction to that. It was also stated that, any person aggrieved by the finally publish report may file a suit before the court (Annexure J-1 to the supplementary affidavit dated 26.11.2025). After the Assistant Commissioner (Land) rejected the application on 03.12.2012, the respondent no. 10 did not challenge the same before any higher authority, rather filed a number of civil and criminal cases against the petitioner.

The respondent no. 10 filed Title Suit No. 395 of 2013 on 14.05.2013, which on transfer was renumbered as Title Suit no. 601 of 2023 after a long period of 10 years. By the order dated 11.08.2024 that suit was withdraw at the instance of the plaintiff.

Regarding the self same matter the added respondent no. 10 filed Title Suit No. 1257 of 2022 before the Senior Assistant Judge, 2nd Court, Dhaka as well as Title Suit No. 373 of 2016 before the Joint District Judge, 1st Court Dhaka. In that suit he prayed for an order of temporary injunction, which was refused vide order dated 28.02.2024. CR. Case No. 98 of 2023 under Sections 420/468/471 of the Penal Code and CR. Case No. 1062 of 2025 under Sections 4 (2) and 5 (2) of Bhumi Oporadh Pratirodh O Protikar Ain, 2023 have also been filed regarding that same property.

It transpires from Annexure- F to the writ petition that, a report was sent from the office of Zonal Settlement Officer in relation to the CR. Case No. 98 of 2023, wherein it has been mentioned that upon entertaining an application under Rule 42A of the State and Tenancy Rules filed by Khalilur Rahman i.e. the Respondent no. 11, the Zonal Settlement Officer by the order dated 31.12.2001 set aside the judgment passed in Namjari Appeal No. 34266 of 2001 and directed the AC land to re-hear the appeal upon issuing notice to the parties. This appeal under Rule 31 was filed by one Fazilatun Nessa regarding 6.75 decimals of land, as mentioned hereinabove.

Now, the question that falls for determination is that, whether the Zonal Settlement Officer had any authority to set aside the judgment and sent it down for re-hearing the appeal. Rule 42A of the Tenancy Rules, 1955 provides that,

“42A. Correction of fraudulent entry before final publication of record-of-rights-The Revenue officer, with the

additional designation of Settlement Officer' shall, on receipt of an application or on receipt of an official report for the correction of an entry that has been procured by fraud in record-of-rights before final publication thereof, after consulting relevant records and making such other enquiries as he deems necessary, direct excision of the fraudulent entry and his act in doing so shall not be open to appeal. At the same time, the Revenue-officer shall make the correct entry after giving the parties concerned a hearing and recording his finding in a formal proceeding for the purpose of future reference."

The law has given the Zonal Settlement Officer to entertain an application after preparation of the draft record only on the allegation of fraud and issue notice upon the opposite parties and decide the matter on contest. This provision does not authorize to send the matter for rehearing without giving the opposite parties an opportunity to contest. This was done beyond the jurisdiction. In rehearing the appeal the Appeal Officer by the order dated 22.07.2002 disallowed the appeal and directed to prepare the final record in the names of the respondent no. 11 and others as per the D.P. khatian.

In the report it has been further stated that, during the survey the name of Nizam Uddin i.e. the petitioner never appeared on the record at any stage, neither did he made any application for recording his name. Accordingly, the report was submitted with the finding that, the correction of the record in the petitioner's name was done fraudulently.

CR. Case No. 98 of 2023, in connection of which the abovementioned report was submitted, was subsequently dismissed on 12.12.2023 on the ground that the dispute involved in the case is of civil nature and a number of civil suits are pending in this regard. Relevant part of the order dated 12.12.23 passed by the Metropolitan Magistrate, Court No. 21, Dhaka is quoted below:

“কাজেই তদন্ত প্রতিবেদনদৃষ্টে ১নং আসামীর বিরুদ্ধে দণ্ডবিধির ৪২০/৪৬৮/৪৭১ ধারার অপরাধের অভিযোগ প্রমানিত হলেও মামলার তফসিল বর্ণিত সম্পত্তি নিয়ে দেওয়ানী আদালতে মামলা চলমান থাকায় অত্র আদালতের অত্র মামলায় আনীত অভিযোগে আমল গ্রহণ করার আইনগত সুযোগ নাই। অর্থাৎ অভিযোগকারী দেওয়ানী আদালতে প্রতিকার পেতে পারেন। সার্বিক পর্যালোচনায় আসামীদের বিরুদ্ধে আনীত অভিযোগের আমল গ্রহণ করার আইনগত সুযোগ না থাকায় ফৌজদারী কার্যবিধির ২০৩ ধারা মতে নালিশী দরখাস্ত খারিজ করা হলো। মামলাটি নথিভুক্ত করা হোক।”

Though the criminal case in connection of which the report was obtained, was dismissed on 12.12.2023, the respondent no. 6 i.e. the Deputy Director of Land Record and Survey Directorate issued the impugned memo dated 01.04.2024 with a direction to publish new khatian and it was published accordingly (Annexure G and G-1). He further issued the impugned memo dated 09.05.2024 and requested the District Commissioner (DC) to replace the petitioner's khatian by a new one. (Annexure H). Thereafter, the Assistant Commissioner and Record Room Deputy Collector issued the letter on 28.05.2024 to the Assistant Commissioner (Land) Cantonment Revenue Circle, Dhaka and directed to add the new khatian in the volume (Annexure-I).

These memos issued by the respondent no. 6 were not founded upon any adjudication of title or possession by a competent civil court. Rather, he proceeded on the basis of a police report and a report prepared by the Zonal Settlement Officer in connection with the criminal case and directed the concerned office to correct the finally published record of rights. Those reports, which were prepared in the context of a criminal proceeding, could not lawfully be treated as a substitute for an adjudication by a competent court regarding title and possession. In our view, such course of action was wholly beyond the jurisdiction vested in the respondent no. 6 i.e. the Deputy Director of Land Record and Survey Directorate.

Learned Advocate Mr. Ekramul Haque Tutul appearing for respondent no. 12 contended that according to Rule 23(3) of the Tenancy Rules, 1955 there is a forum to challenge a fraudulent entry into the record of right even after final publication. On 29.07.2021 a notification has been published in the Gazette by the Ministry of Land regarding provision for correction of clerical mistake, bona fide mistake and fraudulent entry in the finally published record of rights wherein it has been stated that, as per Rule 23(4) of the Tenancy Rules the Revenue Officer shall either on application or on receipt of a report under clause J of sub rule 1 for the correction of an entry that has been procured by fraud in the record of rights after final publication thereof has the authority to correct the fraudulent entry.

On perusal of the gazette notification dated 29.07.2021 (Annexure-30 to the supplementary affidavit filed by the respondent no. 10 dated 17.06.2026) it appears that a procedure has been laid down therein for correction of a fraudulent entry even after final publication of the record of right. As per that notification if any application with the allegation of a fraudulent entry is filed before the Assistant Commissioner (Land), he shall initiate a miscellaneous case and deal with the matter carefully in determining if the matter in fact is a title dispute. If there is any dispute regarding title, he shall close the case and direct the parties to contest the matter before a competent civil court. The relevant part of the gazette notification is quoted below:

“(ট) *The Tenancy Rules, 1955*-এর ৬ষ্ঠ অধ্যায়ের ২৩(৪) উপ-বিধিতে রাজস্ব অফিসারকে প্রতারণামূলক বা তথ্যকতামূলক অন্তর্ভুক্তি (*Fraudulent Entry*) সংশোধনের ক্ষমতা প্রদান করা হলেও *SAT Act, 1950*-তে এ বিষয়ে কোনো সুস্পষ্ট বিধান রাখা হয়নি। এই প্রেক্ষাপটে কালেক্টরের প্রতিনিধি তথা রাজস্ব অফিসার হিসেবে সহকারী কমিশনার (ভূমি)-এর নিকট এ পরিপত্রের অনুচ্ছেদ ৫-এর (ক), (খ) ও (গ) দফায় বর্ণিত প্রতারণামূলক লিখন (*Fraudulent Entry*) সংশোধনের জন্য কোনো আবেদন দাখিল করা হলে তিনি যথারীতি মিস কেস চালু করে শুনানি নিয়ে বিষয়টি স্বত্ব স্বার্থের সংশ্লিষ্ট বিরোধ (*Civil Litigation*) কিনা তা অতি সতর্কতার সাথে পর্যালোচনা করবেন। যদি এতে স্বত্ব স্বার্থের সংশ্লিষ্ট বিরোধ বিদ্যমান বলে প্রতীয়মান হয় তবে কার্যক্রম গ্রহণ না করে এই কারণ উল্লেখে মামলা নথিভুক্ত করবেন। এইরূপ ক্ষেত্রে আবেদনকারীকে ল্যান্ড সার্ভে ট্রাইব্যুনাল বা দেওয়ানি আদালতের মাধ্যমে প্রতিকার নিতে পরামর্শ দিতে হবে।”

However, there is nothing on the record to show that any such procedure had been initiated by the added respondents. The impugned

memos have also not been issued in furtherance of any initiative taken following the provision of the gazette notification.

Admittedly the petitioner is an owner by way of inheritance and claims to have possession over the land in question. Whether or not he challenged the draft record prepared in the names of the added respondents excluding his name, does not take away his right automatically. The respondents on the other hand are claiming themselves as subsequent purchasers claiming possession. This disputed claim of title and possession is definitely a question that has to be adjudicated by a competent court with civil jurisdiction upon taking evidence. A revenue officer does not have any lawful authority to decide the issue. The impugned memos issued by the respondent nos. 6 and 7 have therefore been issued beyond the lawful authority. Any further actions taken on the basis of the impugned memos are also hereby declared as without any lawful effect.

In view of the facts and circumstances of the case and on the basis of the discussion, made hereinabove, we find merit in the Rule.

Accordingly, the Rule is made Absolute.

However, without any order as to cost.

The orders of stay and status-quo granted earlier by this Division stand vacated.

Let a copy of this judgment and order be communicated to the concerned authorities at once.

Sashanka Shekhar Sarkar, J:

I agree.