

District: Meherpur

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(CIVIL REVISIONAL JURISDICTION)

Present

**Mr. Justice Sardar Md. Rashed Jahangir**

**Civil Revision No. 3798 of 1991**

In the matter of :

Mohammad Rahamatullah Sheikh

... Petitioner

-Versus-

Government of Bangladesh and others

...Opposite-parties

No one appears

...for the petitioner

Ms. Rashida Alim Oeshi, D.A.G with

Mr. Md. Habibur Rahman Sarker, A.A.G

...For the opposite-party No. 1

**Heard on: 30.10.2024**

**Judgment on: 03.11.2024**

The Rule was issued on an application under section 115 of the Code of Civil Procedure on 30.04.1989, calling upon the opposite-party No. 1 to show cause as to why the judgment and decree dated 11.03.1989 passed by the Sub-ordinate Judge, Meherpur in Title Appeal No. 107 of 1987 affirming those of dated 27.01.1987 passed by the Assistant Judge, Meherpur in Title Suit No. 20 of 1984 should not be set aside and/or such other or further order or orders as to this Court may seem fit and proper.

Subsequently, the civil revisional application has been renumbered as Civil Revision No. 3798 of 1991(earlier number is C.R. No. 169 of 1989).

The civil revisional application is an old one of the year 1989 and neither the petitioner nor his learned Advocate took any initiative to hear and dispose of the Rule at any time since issuance of the Rule on 30.04.1989. Under the order of Hon'ble Chief Justice of Bangladesh the Rule was sent to this Court to hear and dispose of.

No one appears for the petitioner. On the other hand, learned Deputy Attorney General appears for the opposite-party No. 1 and made her argument.

Heard learned D.A.G, perused the revisional application together with the record.

It appears that the petitioner as plaintiff on 19.02.1984 instituted Title Suit No. 20 of 1984 in the Court of Assistant Judge, Meherpur impleading the present opposite-parties as defendant for declaration of title and confirmation of possession contending, *inter-alia*, that the suit land appertaining to C.S. Khatian No. 102 of Mouza Anondabash under the Upazila and district Meherpur was belonged to Medenipur Zamindary Company Limited. The father of the plaintiff took settlement of the land from the Zamindar in the year 1356 B.S.. During S.A.

operation the suit land was recorded in the Khas Khatian and upon getting the information about wrong recording in the year 1385 B.S. the plaintiff filed the suit.

The defendant No. 1 contested the suit by filing written statements denying all the material averments of the plaint contending, *inter-alia*, that the suit land was belonged to Medenipur Zamindar and after operation of the State Acquisition and Tenancy Act, the property has been vested to the Government. The property in question is situated within Khas Beel and accordingly, the name of Government in S.A. khatian was rightly recorded. The plaintiff has no right, title and possession over the suit land.

Learned Assistant Judge, Meherpur after hearing both the parties by his judgment and decree dated 27.01.1987 dismissed the suit.

Being aggrieved the plaintiff took Title Appeal No. 107 of 1987 before the District Judge, Meherpur. Ultimately, the appeal was heard by the Sub-ordinate Judge, Meherpur and by his judgment and order dated 11.03.1989 dismissed the appeal affirming those of dated 27.01.1987 passed by the Assistant Judge, Meherpur.

On being aggrieved by and dissatisfied with the aforesaid judgment and decree of learned Subordinate Judge, Meherpur the

plaintiff-petitioner filed this revisional application and obtained the Rule in the year 1989.

From the record, it appears that both the Courts below concurrently found that the plaintiff miserably failed to prove his basic title i.e. the claimed settlement, allegedly taken from the Medenipur Zamindary Company Limited in the year 1356 B.S.. And it was also concurrently found that the suit land was not specified and or not specifically demarked and plaintiff failed to prove that he is in possession. The trial Court also found that the property in question is khas beel belongs defendant-Government.

Concurrent finding of facts arrived at by the Courts below on the basis of the materials on record is immune from interference in revision, unless there is misreading, misconstruing and non-consideration of material evidences on record.

I find nothing in the record to hold contrary enabling this Court to interfere into the concurrent findings of fact.

I find no merit in the Rule.

Accordingly, the Rule is discharged without any order as to cost.

Send down the Lower Courts' Record.

Communicate the judgment and order at once.