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

WRIT PETITION NO. 11363 OF 2019

IN THE MATTER OF:

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

AND

IN THE MATTER OF:

Santosh Kumar Mistry

... Petitioner.

-VERSUS-

The Land Survey Tribunal, Pirojpur and others.

... Respondents.

Mr. Sudpta Arjun, Advocate

... For the petitioner.

Mr. Mohammad Osman Chowdhury, DAG

... For the respondents.

Heard and Judgment on: 05.11.2025

Present:

Mr. Justice Md. Khairul Alam

&

Mr. Justice Aziz Ahmed Bhuiyan

Md. Khairul Alam, *J:*

By filing this writ petition, under Article 102 of the Constitution of the People's Republic of Bangladesh, the petitioner has called in question the legality and propriety of the judgment and decree dated 23.06.2019 passed by the learned Judge, Land Survey Tribunal, Pirojpur, in Land Survey Tribunal Suit No. 30 of 2013.

The sole contention of the petitioner is that, since the appellate forum, namely the Land Survey Appellate Tribunal, had not been established at the time of filing this writ petition, there was no forum available for him to file an appeal against the impugned judgment and

decree; therefore, invocation of the writ jurisdiction of this Court was his only efficacious remedy.

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

Upon consideration, it appears that certain factual issues are involved in the impugned judgment, and the Land Survey Appellate Tribunal is the appropriate forum to adjudicate those issues. It further appears that, at the time of filing this writ petition, no such Appellate Tribunal had been constituted. Subsequently, during the pendency of the Rule, the Government established the Land Survey Appellate Tribunal. However, due to the pendency of this Rule, the petitioner could not prefer an appeal before the said Tribunal, and by this time, the statutory period for filing such an appeal has already elapsed.

The issue involved in this writ petition is no longer res integra, as in several writ petitions under similar circumstances, specifically writ petition Nos. 4631 of 2022, 2774 of 2023, and 10567 of 2023, various Benches of this Division have been pleased to direct the Land Survey Appellate Tribunal to admit the appeals, if filed, and to dispose of them in accordance with law.

In view of the above circumstances, we are of the opinion that the ends of justice would be best served if the Rule is disposed of without entering into the merits of the case, but with certain directions enabling the petitioner to pursue his remedy before the competent appellate forum.

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

(i) The petitioner shall be at liberty to file an appeal before the competent Land Survey Appellate Tribunal having jurisdiction over the matter;

(ii) If the petitioner intends to prefer such an appeal, he shall file the same within 90 (ninety) days from the date of receipt of a copy of this judgment and order, and if such appeal is filed within the aforesaid period, the concerned Land Survey Appellate Tribunal shall admit the appeal and dispose of the same in accordance with law;

(iii) The petitioner is at liberty to take back all the original certified copies annexed with the writ petition on furnishing photocopies thereof, duly attested by the learned Advocate.

(iv) The operation of the impugned judgment decree shall remain stayed until the filing of such appeal by the instant petitioner within the period set out in the direction No. (ii); and

(v) The parties are directed to maintain the status quo in respect of position and possession of the land in question until the filing of the appeal.

However, there shall be no order as to costs.

Communicate the judgment and order at once.

Send down the L.C.R. along with a copy of this judgment and order to the concerned court for information and necessary action.

Aziz Ahmed Bhuiyan, *J:*

I agree.