

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

Writ Petition No. 9009 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. Rony

... Petitioner

-Versus-

Government of Bangladesh and others

... Respondents

No one appears for the petitioner

Mr. Abdul Alim, Advocate

...For the respondent No. 3

Mr. Tanim Khan, D.A.G. with

Dr. Mohammad Soeb Mahmud, A.A.G.

Mr. Md. Abul Hassan, A.A.G.

Mr. Sk. Naser Wahed (Shemon), A.A.G.

Mr. Md. Azadul Islam (Azad), A.A.G and

Mr. Md. Tareq Rahman, A.A.G

... For the respondents

Judgment on:28.08.2025

Present:

Justice Sardar Md. Rashed Jahangir

and

Justice Md. Abdul Mannan

Sardar Md. Rashed Jahangir, J:

On an application under article 102 of the Constitution of the
People's Republic of Bangladesh, the Rule Nisi was issued on
16.07.2024 as follows:

“Let a Rule Nisi be issued calling upon respondent to show cause as to why the respondent No. 4 shall not be directed to dispose of the petitioner's application dated 12.06.2024 as evidenced by Annexure-‘B-1’ and further as to why the impugned notice of auction, scheduled to be held on 22.07.2024 published in the daily "Jayjay Din" on 25.06.2024 by respondent No. 8 under section 12(3) of the Artha Rin Adalat Ain, 2003 as evidenced by Annexure-‘D’ shall not be declared to have been published without any lawful authority and to be of no legal effect and/or such other or further order or orders passed as to this Court may seem fit and proper.”

No one appears for the petitioner.

Under the case in hand, the petitioner has challenged the publication of the auction notice dated 25.06.2024 in the ‘Daily Jayjay Din’ by respondent No.8 under section 12(3) of the Artha Rin Adalat Ain, 2003 for selling the mortgaged property in auction scheduled to be held on 22.07.2024. On 14.07.2024 the writ petition has been sworn in and on 16.07.2024 upon hearing this Court was pleased to issue Rule Nisi in tandem with an interim order of stay of all further proceedings of the auction pursuant to the notice.

The respondent No. 3 by filing an affidavit-in-opposition apprised this Court that the property cannot be sold in auction due to the order of stay of this Court and the scheduled date of auction i.e. 22.07.2024 has been expired in the meantime and as such the impugned auction notice published on 25.06.2024 in the ‘Daily Jayjay Din’ under

section 12(3) of the Artha Rin Adalat Ain, 2003 has no effectiveness, consequently the Rule has become infructuous.

Considering the facts and circumstances of the case, the Rule is discharged.

No order as to cost.

The order of stay granted at the time of issuance of the Rule is hereby by recalled and vacated.

Communicate the order at once.

Md. Abdul Mannan, J:

I agree.