

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

Writ Petition No. 12046 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:

B.K. Md. Ferdaus Alom alias Md. Ferdous
Alam

... Petitioner

-Versus-

Government of Bangladesh and others

... Respondents

Mr. Md. Nasir Shikder, Advocate

...For the respondent No. 3

Mr. Md. Monjur Alam, D.A.G. with

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

Mr. Md. Abul Hasan, 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:14.08.2025

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
17.10.2024 as follows:

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the auction notice dated 06.10.2024 under section 12(3) of the Artha Rin Adalat Ain, 2003 published by respondent No. 4 in the ‘Daily Bhorer Kagoj’ 06.10.2024 (Annexure-‘A’) to the writ petition should not be declared to have been done without any lawful authority and is of no legal effect and/or such other or further order of 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 06.10.2024 in the ‘Daily Bhorer Kagoj’ by respondent No. 3 under section 12(3) of the Artha Rin Adalat Ain, 2003 for selling the mortgaged property in auction scheduled to be held on 24.10.2024. On 15.10.2024 the writ petition has been sworn in and on 17.10.2024 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.

It appears that the property cannot be sold in auction due to the order of stay of this Court and the scheduled date of the auction i.e. 24.10.2024 has been expired in the meantime and as such the impugned auction notice published on 06.10.2024 in the ‘Daily Bhorer Kagoj’ 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.