

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

**Present:**

**Mr. Justice Zafar Ahmed**

**Civil Revision No. 3868 of 2024**

**In the matter of:**

Md. Abul Bashar Basu

Petitioner

-Versus-

Md. Mosharaf Hossen and others

Opposite parties

Mr. Md. Shamsul Haque, Senior Advocate, with  
Ms. Shalina Akter, Advocate

...For the petitioner

Mr. Md. Khalilur Rahman, Senior Advocate, with  
Mr. Mehrab Hasan, Advocate

... For the opposite party No. 1

Heard on: 16.02.2026, 22.02.2026 and 23.02.2026

Judgment on: 03.03.2026

The petitioner has filed this revisional application under Section 115 of the Code of Civil Procedure challenging the judgment and order dated 14.09.2023 passed by the learned Senior District Judge, Jamalpur in Civil Revision No. 01 of 2023 rejecting the revisional application and thereby affirming the order dated 30.11.2022 passed by the learned Assistant Judge, Bakshiganj, Jamalpur in Other Class Suit No. 200 of 2018.

The Rule has been contested by the sole plaintiff-opposite party No. 1 by filing a counter affidavit and a supplementary counter affidavit.

During pendency of the trial, the learned Assistant Judge on 30.11.2022 passed an order directing the defendants to restore the plaintiff's possession of the land in question within 45 days. The revisional Court below affirmed the said order on 14.09.2023. Challenging the same, the defendant No. 6 as petitioner filed the instant revision.

Relevant facts are that the present opposite party No. 1 as the sole plaintiff filed the suit for permanent injunction being No. 339 of 2018 which was subsequently renumbered as 200 of 2018 in respect of 37.75 decimals of land. After filing of the suit, the plaintiff filed an application for temporary injunction. The trial Court, vide order No. 2 dated 03.11.2011 passed an *ex parte* order directing the parties to maintain *status quo* in respect of the suit land till filing of written objection and hearing of the injunction application. It appears that vide order No. 15 dated 25.03.2014, the trial Court kept the injunction application with record for non-hearing of the same.

While the trial of the suit was in progress, the present petitioner (defendant No. 6) initiated a proceeding under Section 145 of the Code of Criminal Procedure (Cr.P.C.) being Petition Case No. 150 of

2020 before the Court of learned Additional District Magistrate (ADM), Jamalpur on 26.08.2020 against the plaintiff and others in respect of 11.50 decimals of land out of 37.75 decimals of the suit land. The plaintiff appeared before the learned ADM, Jamalpur and raised the question of jurisdiction. The learned ADM, vide order dated 06.06.2022 fixed 04.07.2022 for further hearing on question of jurisdiction. On 04.07.2022, the petitioner of the petition case (defendant No. 6) filed hazira and sought for adjournment. The other sides were absent. However, without determining the question of jurisdiction, the learned ADM proceeded with the matter on merit and made the proceeding under Section 145(6) of the Cr.P.C. absolute, declared the defendant No. 6 (petitioner of the petition case) as lawful possessor of the land in question and restrained the concerned parties from disturbing the possession of the defendant No. 6 in the said land. The learned ADM further directed the Assistant Commissioner (AC) (Land) to execute the order and to submit a report on 27.07.2022.

It appears from the report dated 28.07.2022 prepared by the AC (Land) of Jamalpur Sadar, Jamalpur that on 26.07.2022 the AC (Land) along with other officers and police force went to the suit land and handed over the possession of the 11.5 decimals of land to the defendant No. 6.

Challenging the order dated 04.07.2022 passed by the learned ADM, the plaintiff filed Criminal Revision No. 209 of 2022 which

was disposed of by the learned Sessions Judge, Jamalpur on contest on 22.11.2022. The learned Sessions Judge allowed the criminal revision, set aside the order dated 04.07.2022 passed in Petition Case No. 150 of 2020 and directed the learned ADM to give an opportunity to the plaintiff to file written objection, to take evidence of both sides and to ascertain the actual possessor of the land in question and to pass necessary order accordingly. The defendant No. 6 challenged the said order dated 22.11.2022 before the High Court Division in Criminal Miscellaneous Case No. 26358 of 2022 under Section 561A of the Cr.P.C. and obtained a Rule. The Rule was discharged for non-prosecution on 30.10.2022. Thereafter, the plaintiff of the suit filed an application before the learned ADM, who, vide order dated 31.07.2023 rejected the Petition Case No. 150 of 2020 on the ground of pendency of the instant civil suit in respect of the self-same subject matter.

Thereafter, on an application of the plaintiff filed under Section 151 of the Code of Civil Procedure (CPC) for an order of *status quo ante* in respect of 11.5 decimals of land from which he was dispossessed on 26.07.2022 pursuant to the order dated 04.07.2022 passed by the learned ADM in the petition case under Section 145 of the Cr.P.C., the learned Senior Assistant Judge on 30.11.2022 passed an order of *status quo ante* and directed the defendants to restore the plaintiff's possession of 11.5 decimals of land within 45 days. The

said order was upheld by the learned District Judge, Jamalpur in civil revision on 14.09.2023 which gave rise to the instant Rule.

Mr. Md. Shamsul Haque, learned Senior Advocate appearing for the defendant No. 6-petitioner submits that since the defendant No. 6 was in possession of 11.5 decimals of land prior to institution of the suit, the trial Court ought to have ascertained the actual possessor of the land in question before passing of the order of *status quo ante*. Mr. Haque, however, candidly concedes that the criminal proceeding under Section 145 of the Cr.P.C. was misconceived and not tenable in law.

Mr. Md. Khalilur Rahman, learned Senior Advocate appearing for the plaintiff, on the other hand, submits that it is apparent from the report dated 28.07.2022 prepared by the AC (Land) of Jamalpur Sadar in the petition case that the plaintiff was in possession of 11.5 decimals of land and he was dispossessed from the same by the AC (Land) on 26.07.2022. Mr. Rahman points out that in para No. 6 of the application filed by the defendant No. 6 as petitioner before the High Court Division in Criminal Miscellaneous Case No. 26358 of 2022 the fact of dispossession was admitted. Mr. Rahman supports the impugned order.

On perusal of the materials on record, in particular the report dated 28.07.2022 prepared by the AC (Land), it appears that the

plaintiff was in possession of 11.5 decimals of land at the time of institution of the suit from which he was dispossessed on 26.07.2022 in the petition case filed under Section 145 of the Cr.P.C. which was eventually rejected on 31.07.2023. Admittedly, the learned ADM ceased to have jurisdiction to continue with the proceeding under Section 145 once it was brought to his notice that in respect of the self-same subject matter a civil suit was pending. The learned ADM also fixed 04.07.2022 for further hearing regarding the jurisdictional issue but on 04.07.2022 he proceeded with the matter on merit and passed an order in favour of the defendant No. 6 without determining the jurisdictional issue. In the process of execution of the order dated 04.07.2022, the plaintiff was dispossessed on 26.07.2022 by the AC (Land). Therefore, in my view, the trial Court rightly passed the order of *status quo ante*, which was upheld by the revisional Court below and no error of law resulting in an error in the order occasioning failure of justice was committed by the revisional Court below. Hence, the Rule fails.

In the result, the Rule is discharged. The order of stay and *status quo* dated 05.09.2024 passed by this Court at the time of issuance of the Rule is recalled and stand vacated.