

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

**Present**

Mr. Justice Sikder Mahmudur Razi

And

Mr. Justice Raziuddin Ahmed

**Writ Petition No. 11804 of 2024**

Md. Mominul Islam

.....Petitioner.

**-Versus-**

The Government of People's Republic of  
Bangladesh, represented by Secretary, Ministry  
of Finance, Secretariat Building, Dhaka and  
others.

.....Respondents.

None appears

.....For the petitioner.

Mr. Mohammed Faisal Dastagir, Advocate with

Mr. Mohammad Torique Ullah, Advocate

.....For the respondent No. 4.

**The 09<sup>th</sup> December, 2025**

This is an application for discharging the Rule for non-compliance of the order of this court dated 03.10.2024.

Mr. Mohammed Faisal Dastagir, along with Mr. Mohammad Torique Ullah, learned Advocates for the respondent No. 4-applicant by filing an application submits that following issuance of the Rule, the petitioner showed utter disregard to the direction of this Court and has not paid any amount to the bank. He further submits that the petitioner nowhere in his writ petition denied his loan liabilities, hence, the petitioner cannot get any relief in the instant writ petition to evade his due liabilities to the respondent Bank. He next submits that since issuance of the Rule the petitioner has failed to deposit any amount to the bank as directed by this Court, therefore, the Rule in the instant

mater is liable to be discharged. He next submits that the petitioner is a willful defaulter, he is availing the judicial process and kindness of this Court to avoid making payment of his outstanding dues. He next submits that the order of stay granted in the instant writ petition has already expired and the fixed date of auction being 06.10.2024 has also passed, thus, the rule has become infructuous and as such the Rule issuing order dated 03.10.2024 is liable to be discharged.

No one appears to oppose the application.

We have heard the learned Advocates for the respondent No4-applicant. We have gone through the application and the relevant order dated 03.10.2024.

It appears that the petitioner was directed to pay 10% of the total amount to the concerned Bank by 08.10.2024 and the petitioner was further directed to file affidavit-of-compliance in this regard. According to the statement made by the respondent No.4-applicant the petitioner failed to comply with the order of this court and we also do not find any affidavit-in-compliance in the record. Moreover, the date fixed for auction has also expired. Therefore, the instant writ petition has also become infructuous.

In view of the facts and circumstances, we are inclined to allow the instant application and accordingly, the same is allowed.

As a result, the Rule is discharged for non compliance of the court's order dated 03.10.2024 as well as, as being infructuous with cost

Tk. 25,000 (twenty five thousands). The interim order passed at the time of issuance of the Rule is hereby recalled and vacated.

The petitioner is directed to pay the cost in the Account being No.4435401017179 (saving account) maintained in the name of the Registrar General & Marshal of Supreme Court of Bangladesh, in default, the respondent bank will charge the said amount in the loan account of the petitioner and upon recovery of the dues will remit the said amount in the account mentioned above.

Communicate the judgment to the all concerned authority, at once.

.....  
(Sikder Mahmudur Razi, J.)

I agree

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(Raziuddin Ahmed, J.)