

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. 11593 of 2024

Md. Ziaur Rahman

.....Petitioner.

-Versus-

Bangladesh Bank, represented by its Governor,
Bangladesh Bank Bhaban, Motijheel Commercial
Area, Dhaka and others.

.....Respondents.

None appears

.....For the petitioner.

Mr. Mohammed Faisal Dastagir, Advocate with

Mr. Mohammad Torique Ullah, Advocate

.....For the respondent No. 03.

The 09th December, 2025

This is an application for discharging 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. 3 -applicant
bank submits that since issuance of the Rule till date the petitioner did
not make any payment to the Bank as per order of the Court. He next
submits that the order of stay granted in the instant writ petition has
already expired and the fixed date of auction being 09.10.2024 has also
passed, thus, the Rule has become infructuous. Therefore, the learned
advocate prays for discharging the Rule.

No one appears to oppose the application although copy of the
same was duly served.

We have heard the learned Advocate for the respondent No.3-
applicant bank. We have also gone through the application, the Rule
issuing order and other materials on record.

It appears that the petitioner was directed to pay 10% of the total amount to the concerned bank by 08.10.2024. According to the statement made by the respondent No. 3 applicant the petitioner failed to comply with the order of this court. Moreover, the schedule date for holding auction also expired long before.

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

In the result, the Rule is discharged for non-compliance with the Court's order dated 03.10.2024 and also on the ground that it has become infructuous with cost Tk. 10,000 (ten thousand). The interim order passed at the time of issuance of the Rule is hereby recalled and vacated.

The petitioner is directed to pay the said amount 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 and order to the concerned authority, at once.

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(Sikder Mahmudur Razi, J.)

I agree

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(Raziuddin Ahmed, J.)