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

Writ Petition No. 681 of 2025

An application under Article 102 (1) and (2) of the Constitution of the People's Republic of Bangladesh.

And

IN THE MATTER OF:

Nazrul Islam Monju

----Petitioner.

-Versus-

Government of Bangladesh, represented by the Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Shahbag, Dhaka and others

----Respondents.

Mr. Md. Azizur Rahman Dulu with
Mr. Md. Nasir Uddin Khan, Advocates

----For the Petitioner.

Mr. Khaled Hamid Chowdhury, Advocate

----For the Respondent No. 3.

Mr. Kazi Md. Arifur Rahman, DAG with
Mr. S. M. Zafor Sadique, DAG and
Mr. Md. Shahidul Islam, AAG

----For the Respondents.

Present:
Mr. Justice Md. Iqbal Kabir
And
Mr. Justice S.M. Saiful Islam

Heard on: 19.07.2026.
Judgment on: 12.08.2026.

S. M. Saiful Islam, J:

On an application under Article 102 (1) and (2) of the Constitution of the People's Republic of Bangladesh, a Rule Nisi was issued in the following terms:

> "Let a Rule Nisi be issued calling upon the respondents to show cause as to why impugned resolution dated 11.09.2011 issued under the signature of respondent No. 2 as contained in Memo No. প্রঃশাঃ৬/রাজ-০৭/২০০৫/৫০৭, dated 17.08.2011 adjourning the recommendation for allotment of plot in the name of the petitioner (Annexure-'C'), shall not be declared to have been made without lawful authority and is of no legal effect and / or such other or further order or orders passed as to this Court may seem fit and proper."

The facts, as stated in the writ petition, in brief, are that the petitioner is a law abiding citizen and a permanent resident of Bangladesh. He was a Member of Parliament representing Constituency No. 2, Khulna. Being elected as a Member of Parliament, the petitioner submitted an application on 23.03.2011 seeking allotment of a plot in the RAJUK Purbachal Project under the special quota, in accordance with Rule 13A (1) (b) of the Dhaka Improvement Trust (Allotment of Land) Rules, 1969 as amended on 19.04.2003 by SRO No. 99-Ain/03. Along with the said application, the petitioner submitted an affidavit sworn by him stating, *inter alia*, that no plot/ house/residential building or flat in Dhaka had previously been allotted to him or to any member of his family or any person dependent upon him by any Government or semi Government organization.

Thereafter, respondent No. 2 passed a resolution dated 20.04.2011 recommending allotment of a plot measuring 7.5 kathas in favour of the petitioner in his capacity as a Member of Parliament. Accordingly, an allotment letter was issued in favour of the petitioner on 10.08.2011. Subsequently, respondent No. 2 passed a resolution dated 11.09.2011 deferring the allotment of the plot in favour of the petitioner on the basis of the impugned Memo No. প্রঃ শাঃ ৬/ রাজ-07/2005/507 dated 17.08.2011, wherein it was stated that, "উল্লেখিত সংসদ সদস্যের নামে ঢাকা শহরে প্লট রয়েছে। বিধায় তাঁর নামে আরেকটি প্লট বরাদ্দের সুযোগ নেই।" According to the petitioner, the said information was totally false and incorrect, as he had no other plot in Dhaka city. No copy of the said resolution was served upon the petitioner. He came to know about the same from a report published in the daily newspaper namely "Daily Manabjamin" on 23.09.2011.

Thereafter, the petitioner made several representations to the concerned authority dated 26.9.2011, 24.10.2024, 21.11.2024 seeking withdrawal of stay, but to no avail. The petitioner subsequently served a notice upon the respondents demanding justice on 25.11.2024, but the respondents did not respond thereto. Having no other efficacious remedy, the petitioner filed the present writ petition and obtained the Rule.

Respondent No. 3 has contested the Rule by filing an affidavit-in- opposition, denying all material allegations made in the writ petition.

Mr. Md. Azizur Rahman Dulu, the learned Advocate, along with the learned Advocate Mr. Nasir Uddin Khan, appearing for the petitioner, submits that the petitioner has lawful right to obtain allotment of a plot in his capacity as a Member of Parliament and that the allotment made in his favour was stayed on the basis of a vague and unspecified allegation. He further submits that the petitioner had not violated any condition governing the allotment process and had made no false statement in his application. According to the learned Advocate, the resolution dated 11.09.2011 is mala fide, arbitrary and illegal and was passed in violation of the principles of natural justice.

He further submits that the respondents did not issue any notice to the petitioner before cancelling or deferring the allotment which is in violation of the principles of natural justice. He also submits that the impugned Memo is *ex facie* illegal, without lawful authority and violative of Articles 27, 29, 31, and 40 of the Constitution. According to him the respondents failed to exercise their statutory power justly, fairly and reasonably.

He further submits that, in a similar case, namely, writ petition No. 1099 of 2013, the Rule was made absolute by this Court and the petitioner stands on same footing and is, therefore, entitled to the

relief sought in the present writ petition. On these grounds, the learned Advocate for the petitioner prays for making the Rule absolute.

Conversely, Mr. Khaled Hamid Chowdhury, the learned Advocate appearing for Respondent No. 3, submits that the present writ petition is not maintainable, as the petitioner's case is based merely on a recommendation for allotment, which was subsequently withdrawn by the Ministry.

He further submits that the recommending authority, namely, the Ministry of Housing and Public Works, by the impugned Memo dated 17.08.2011, categorically stated that there was no scope for allotment of a plot in favour of the petitioner.

He further submits that the Respondent No. 3 lawfully suspended and cancelled the provisional allotment of 7.5 kathas of land pursuant to the impugned Memo dated 17.08.2011 and in accordance with the decision taken in the general meeting held in 2011. According to him, respondent No. 3 acted within its jurisdiction and followed all requisite administrative and legal procedures in suspending the allotment. He further submits that the petitioner has no cause of action to maintain the present writ petition and, accordingly, also prays for discharging the Rule.

We have heard the learned Advocates for both sides, perused the writ petition, the affidavit in opposition and the Annexures appended thereto.

From the facts and documents on record, it appears that the petitioner, in his capacity as a Member of Parliament applied for a allotment of a plot in the RAJUK Purbachal Project on 23.03.2011 (Annexure- 'A'). A perusal of Annexure- 'B' reveals that the Ministry if Housing and Public Works issued a letter to the Chairman of RAJUK Vide Memo No. প্রঃ শাঃ ৬/ রাজ- 07/2004/204 dated 20.04.2011 recommending the allotment in favour of the petitioner. Annexure- 'B-1' shows that RAJUK issued an allotment letter in favour of the petitioner allotting 7.5 kathas of land to him in the RAJUK (Purbachal New City Project) Vide Memo No. রাজউক/এষ্টেট-3/1660 dated 10.08.2011. Annexure- 'C' reveals that, in Board Meeting No. 08 of 2011, held on 25.08.2011, the allotment made in favour of the petitioner was suspended on the basis of the impugned Memo No. প্রঃ শাঃ ৬/ রাজ- 07/2005/507 dated 17.08.2011. A copy of the said impugned Memo has been filed by the respondent as Annexure- '2'. The impugned Memo states as follows:

> "উপর্যুক্ত বিষয় ও সূত্রস্থ স্মারকে জনাব নজরুল ইসলাম মঞ্জু, সংসদ-সদস্য, ১০০ খুলনা-২ এর অনুকুলে Rajdhani Unnayan Kartripakkha (Allotment of Lands) Rules, 1969 এর ১৩/এ ধারা মোতাবেক আবাসিক প্লট বরাদ্দের সুপারিশ জ্ঞাপন করা হয়েছিল। কিন্তু বিশ্বস্তসূত্রে জানা যায় যে, তাঁর নামে ঢাকা শহরে প্লট রয়েছে। ফলে তাঁর নামে আরেকটি প্লট বরাদ্দের কোন সুযোগ নেই।
>
> এমতাবস্থায়, জনাব নজরুল ইসলাম মঞ্জু, সংসদ-সদস্য, ১০০ খুলনা-২ এর নামে ইতোপূর্বে প্রদত্ত প্লট বরাদ্দের সুপারিশপত্র পরবর্তী নির্দেশ না দেয়া পর্যন্ত নির্দেশক্রমে স্থগিত করা হলো।"

It appears from the impugned Memo that the allotment made in favour of the petitioner was suspended on the allegation that he already had another plot in Dhaka City. However, no details or particulars of such alleged plot have been mentioned in the impugned Memo. The said Memo also does not disclose whether any inquiry was conducted into the matter before taking the decision to suspend the allotment. It further appears that the petitioner was not afforded any opportunity to explain his position in respect of the allegation, nor was he communicated with the decision suspending the allotment. As a Member of Parliament, the petitioner had a legitimate expectation of being considered for allotment of a plot under Rule 13/A of the Rajdhani Unnayan Kartripakkha (Allotment of Lands) Rules,1969 and such legitimate expectation was further reinforced by the allotment letter issued in his favour vide Memo No. রাজউক/এষ্টেট-3/1660 dated 10.08.2011. The petitioner has stated that, along with his application, he had sworn an affidavit declaring that neither he nor any member of his family or any person dependent upon him had been allotted any plot, house, residential building or flat in Dhaka by any Government or semi Government organization. In support of his contention, the petitioner has also filed copies of his income tax returns for the relevant period (Annexures- 'I, I-1'), wherein no such property in Dhaka city is reflected.

In such circumstances, the suspension of the allotment made in favour of the petitioner on the basis of unsubstantiated allegation that he had another plot in Dhaka city appears to be unlawful and mala fide. Moreover the said suspension had continued for about 15 (fifteen) years without further decision being taken by the respondents and without any communicating the same to the petitioner. Such prolonged inaction on the part of the respondents, in the facts and circumstances of the case, is also arbitrary and *mala fide*.

In view of the facts, circumstances, and discussions made above, we find merit in the submissions advanced by the learned Advocate for the petitioner. Accordingly, we are of the view that the Rule deserves to be made absolute.

In the result, the Rule Nisi is made absolute without any order as to costs.

The impugned resolution dated 11.09.2011, signed and issued under the signature of respondent No. 2, insofar as it relates to the suspension of allotment of the plot in favour of the petitioner, as well as the impugned Memo No. প্রঃ শাঃ ৬/ রাজ-07/2005/507 dated 17.08.2011 is hereby declared to have been made and issued without lawful authority and is of no legal effect.

Communicate this judgment forthwith.

Md. Iqbal Kabir, J:

I agree.