

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

Writ Petition No. 5461 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:

Khandkar Tajul Islam

... Petitioner

-Versus-

Bangladesh Bank and another

... Respondents

Mr. Rabiul Hasan Tusher, Advocate

... For the respondent No. 2.

Judgment on: 31.08.2025

Present:

Justice Sardar Md. Rashed Jahangir

And

Justice Sheikh Abu Taher

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
13.05.2024 as follows:

“Let a Rule Nisi be issued calling upon the respondents to show
cause as to why the impugned auction notice, published by respondent
no. 2 under section 12(3) of the Artha Rin Adalat Ain, 2003 in the
Daily Amader Shomoy on 05.05.2024, fixing the date of auction on
30.05.2024, for selling the property, as described in the schedule of the
said auction notice, as evidenced by Annexure-B, shall not be declared
to have been published without lawful authority and to be of no legal

effect and/or such other or further order or orders passed as to this Court may deem fit and proper.”

Under the case in hand, the petitioner has challenged the publication of the auction notice dated 05.05.2024 in the ‘Daily Amader Shomoy’ purportedly under section 12(3) of the Artha Rin Adalat Ain, 2003 for selling the mortgaged property in auction scheduled to be held on 30.05.2024. On 08.05.2024 the writ petition has been sworn in and on 13.05.2024, 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.

The respondent No. 2 by filing an affidavit-in-opposition apprised this Court 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. 30.05.2024 has been expired in the meantime and as such the impugned auction notice published on 05.05.2024 in the ‘Daily Amader Shomoy’ purportedly 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.

Sheikh Abu Taher, J:

I agree.