

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

WRIT PETITION NO. 9784 of 2020

IN THE MATTER OF:

An Application under Article 102 of the Constitution of the
People's Republic of Bangladesh

-AND-

IN THE MATTER OF:

Most. Zosna Begum

....Petitioner

-Versus-

Government of the People's Republic of Bangladesh,
represented by the Secretary, Ministry of Land, Bangladesh
Secretariat, Ramna, Dhaka-1000 and others

....Respondents

No one appears.

....For the petitioner

Mr. Md. Anichur Rahman Khan, D.A.G with

Mr. Sultan Mahmood Banna, D.A.G with

Mr. Mir Moniruzzaman, A.A.G with

Mr. Md. Saruwar Alam Khan, A.A.G

....For the Respondents

Heard on 12.11.2025

Judgment delivered on 12.11.2025

Present:

Mr. Justice Md. Shohrowardi

And

Mr. Justice Dihider Masum Kabir

Md. Shohrowardi, J.

On an application filed under Article 102 of the Constitution of the People's
Republic of Bangladesh, Rule Nisi was issued in the following terms:-

“Let a Rule Nisi be issued calling upon the respondent Nos. 1-12
to show cause as to why the order dated 19.10.2020 passed by the
respondent No. 2, the Judge (Joint District Judge) Land Survey
Tribunal, Jamalpur in L.S.T. Suit No. 541 of 2014 (Annexure-D)
should not be declared to have been issued without lawful
authority and is of no legal effect and as to why direction should
not given upon the respondent No. 2, the Judge (Joint District
Judge) Land Survey Tribunal, Jamalpur, to restore the L.S.T. Suit
No. 541 of 2014 in its original file and Number which was
dismissed being order No. 60 dated 19.10.2020 passed by the

respondent No. 2 and/or such other or further order or orders passed as to this court may seem fit and proper.”

In the application, it has been stated that appellate tribunal was not established by the government following the provision made in section 145B (1) of the State Acquisition and Tenancy Act, 1950.

It appears that by the State Acquisition and Tenancy Act, 1950 (Amendment Act, 2023), the Government set up the Land Survey Appellate Tribunal in each District, empowering the District Judge to hear the appeal arising out of the judgment, decree, or order passed by the Land Survey Tribunal. Although at the time of issuance of the Rule, there was no forum to prefer an appeal against the impugned judgment and order passed by the Land Survey Tribunal, now an alternative forum is available to the petitioner to file an appeal against impugned judgment and order dated 19.10.2020 passed by the respondent No. 2, the Judge (Joint District Judge) Land Survey Tribunal, Jamalpur in L.S.T. Suit No. 541 of 2014 in dismissing the suit. Therefore, there is no scope to dispose of the Rule considering merit.

Since the Land Survey Tribunals have been set up by amending the said Act, the petitioner is at liberty to file an appeal against the impugned judgment and order passed by the respondent No. 2, the Judge (Joint District Judge) Land Survey Tribunal, Jamalpur before the Land Survey Appellate Tribunal, Jamalpur, within 3(three) months from the date.

In the result, the Rule is disposed of with the above direction and observation.

However, there will be no order as to costs.

The petitioner is at liberty to take back the certified copy, substituting the photocopies thereon.

Communicate the judgment and order to the concerned Court below at once.

Dihider Masum Kabir, J.

I agree.