

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

Writ Petition No. 16299 of 2025

In the matter of:

An application under article 102 of the Constitution
of the People's Republic of Bangladesh.

AND

In the matter of:

Md. Kabir Ahmed @ Kalu Miah

... Petitioner

-Versus-

Bangladesh Bank and others

... Respondents

Mr. Abdul Barek, Advocate

...For the petitioner

Mr. Hossain Al-Amin, Advocate with

Mr. Md. Asraful Islam, Advocate

...For the respondent No. 3

Judgment on: 31.08.2026

Present:

Mr. Justice Sardar Md. Rashed Jahangir

And

Mr. Justice Md. Ziaul Haque

Sardar Md. Rashed Jahangir, J:

On an application under article 102 of the Constitution of the People's
Republic of Bangladesh, Rule Nisi was issued on 20.10.2025 as follows:

“Let a Rule Nisi be issued calling upon the respondents to
show cause as to why the auction notice published in the daily
"Kalbela" on 30.09.2025 by the respondent No. 3 under section
12(3) of the Artha Rin Adalat Ain, 2003 (Annexure-F) for selling
out the mortgaged property of the petitioner as described in the
schedule of the said auction notice which is scheduled to be held
on 27.10.2025 should not be declared to have been made without
lawful authority and is of no legal effect and/or pass such other or
further order or orders as to this Court may seem fit and proper.”

In the instant writ petition, the petitioner has challenged the publication of the auction notice in the daily 'Kalbela' on 30.09.2025 purporting to be under section 12(3) of the Artha Rin Adalat Ain, 2003 for selling the scheduled mortgaged property in auction on 17.10.2025. On 06.10.2025 the writ petition was sworn in and on 20.10.2025, this Court was pleased to issue Rule Nisi in tandem with an interim order of staying operation of the auction notice.

Learned Advocate for the respondent No. 3 submits that the property could not be sold in auction due to the order of stay of this Court and the scheduled date of the auction i.e. 27.10.2025 has expired in the meantime and as such the impugned auction notice published on 30.09.2025 in the 'Kalbela' purporting to be under section 12(3) of the Artha Rin Adalat Ain, 2003 has lost effectiveness and consequently the rule has become infructuous.

By filing an application for acceptance of compliance the petitioner submits that in the meantime he has deposited Tk.5,00,000/- (five lac) towards compliance of the direction dated 20.10.2025.

Heard learned Advocate for the petitioner as well as the application filed by the petitioner and perused the writ petition, we are of the view that the Rule has become infructuous.

Considering the facts and circumstances of the case, the Rule is discharged as being infructuous.

No order as to cost.

Communicate the order at once.

Md. Ziaul Haque, J:

I agree.