

**IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Special Original Jurisdiction)**

WRIT PETITION NO. 15410 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. Mahabubur Rahman @ Dulal, Advocate,
Supreme Court of Bangladesh, son of Shahjahan
Mridha and Delwara Begum, Village- Chokder
Dangi, Pos- Akoter Char, Police Station-
Sadarpur, District- Faridpur and others.

... Petitioners

-Versus-

Bangladesh represented by the Secretary,
Ministry of Land and Parliamentary Affairs,
Government of the People's Republic of
Bangladesh, Bangladesh Secretariat, Ramna,
Dhaka and others.

... Respondents

Mr. Mohammad Humaun Kabir (Pallob),
Advocate

...For the petitioners

Mr. Md. Habibur Rahman with
Mr. Md. Masudur Rahman Rana and
Mr. Chanu Chandra Deb Nath, Advocates

...For the respondent nos. 3 and 4

**Heard on 03.12.2025, 04.12.2025,
10.12.2025 and 11.12.2025.**
Judgment on 11.12.2025.

Present:

Mr. Justice Md. Mozibur Rahman Miah

And

Mr. Justice Md. Hamidur Rahman

Md. Mozibur Rahman Miah, J.

On an application under Article 102 of the Constitution of the People's Republic of Bangladesh, a Rule *Nisi* was issued calling upon the respondents to show cause as to why Article 125(a) of the Constitution of the People's Republic of Bangladesh (Annexure-‘A’ to the writ petition) should not be declared to be *ultra vires* Article 7 and Part III of the Constitution and is of no legal effect and why section 7 of জাতীয় সংসদের নির্বাচনি এলাকার সীমানা নির্ধারণ আইন, ২০২১ (Annexure-‘B’ to the writ petition) should not be declared to be *ultra vires* the Constitution and also why notification dated 04.09.2025 published by the respondent no. 4, so far it relates to transposing two Union *Parishads* (Councils) namely, *Algi* and *Hamirdi* from Upazilla *Bhanga* of District- Faridpur (Faridpur-4 Parliamentary Constituency) to *Nagarkanda* and *Saltha* Upazila of Faridpur District (Faridpur-2, Parliamentary Constituency) (Annexure-‘D’ to the writ petition) should not be declared to be 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.

It is worthwhile to mention here that in the midst of hearing, the learned counsel for the petitioners submits that he has got instruction from his clients not to proceed with the rule, through which the *vires* of Article 125(a) of the Constitution which has been annexed as of Annexure-‘A’ to the writ petition as well as section 7 of জাতীয় সংসদের নির্বাচনি এলাকার সীমানা নির্ধারণ আইন, ২০২১ (Annexure-‘B’ to the writ petition) have been

called in question. On the back of such submission, now the rule stands as under:

“Why the notification dated 04.09.2025 published by the respondent no. 4, so far it relates to transposing two Union *Parishads* namely, *Algi* and *Hamirdi* from Bhangra Upazila of Faridpur District (Faridpur-4 Parliamentary Constituency) to *Nagarkanda* and *Salha* Upazila of Faridpur District (Faridpur-2, Parliamentary Constituency) should not be declared to be made without lawful authority and is of no legal effect (Annexure-‘D’ to the writ petition) and/or pass such other or further order or orders as to this court may seem fit and proper.”

The salient facts so figured in the writ petition leading to issuance of the rule are:

The petitioner no. 1 is an Advocate of the Supreme Court of Bangladesh when the petitioner no. 2 is the General Secretary of Bangladesh Jatiyotabadi Krishok Dal, Central Committee. Both of them are potential candidates for the upcoming 13th Parliamentary Election in Faridpur-4 Constituency. All the petitioners except petitioner nos. 1 and 2 are permanent residents of *Bhangra* Upazilla. It has been stated in the writ petition that *Bhangra* Upazilla is one of the biggest Upazilla of Faridpur District divided into *Bhangra* Municipality and 12 different Union *Parishads* namely, *Algi*, *Hamirdi*, *Azimnagar*, *Chandra*, *Chumurdi*, *Gharua*, *Kalamridha*, *Kawlibera*, *Manidha*, *Nasirabad*, *Nurullagonj* and

Tujerpura. On the other hand, *Bhanga* Municipality is sub-divided into 9 Wards and 26 *Mahallas*. Currently, around 4,00,000 residents live within the territory of *Bhanga* Upazilla. There are several educational institutions, hospitals and other administrative organs of the State which made *Bhanga* Upazilla a self-sufficient and self-contained territory for the purpose of Parliamentary Election as of single constituency. It has also been stated that *Bhanga* Upazilla itself had been a Parliamentary Constituency being Faridpur-5. On the other hand, *Sadarpur* and *Charbadrasan* Upazilla formed another Parliamentary Constituency named, Faridpur-4 since before the Liberation War. Subsequently, in the year 2008, the then Election Commission combined entire Faridpur-4 and Faridpur-5 constituencies before 9th Parliamentary Election in a single Constituency being Faridpur-4. It has further been stated that the Election Commission lately decided to fix the boundaries of constituencies and in doing so, it (respondent no. 4) vide a notice dated 04.09.2025 published a revised boundaries of 300 Parliamentary Constituencies ahead of ensuing 13th Parliamentary Election by transposing two Unions from *Bhanga* Upazilla namely, *Algi* and *Hamirdi* to *Nagarkanda* Upazilla and as per new demarcation, said *Algi* and *Hamirdi* of *Bhanga* Upazilla which was previously part of Faridpur-4 Constituency have been annexed to Faridpur-2 Constituency which consists of *Nagarkanda* and *Saltha* Upazilla. It has been further stated that the decision of the Election Commission transposing *Algi* and *Hamirdi* Union Parishads from *Bhanga* Upazilla to *Nagarkanda* and *Saltha* Upazilla is illegal, malafide and purely arbitrary and therefore, the Commission has violated the relevant

provision of জাতীয় সংসদের নির্বাচনি এলাকার সীমানা নির্ধারণ আইন, ২০২১ (hereinafter referred to as the Ain of 2021). Thereafter, the petitioners served a legal notice on 07.09.2025 upon the respondents through registered post and email to cancel the notification dated 04.09.2025 within 48(forty-eight) hours from the date of receipt of the copy of the said notice but no action since has been taken, the petitioners have then compelled to file the instant writ petition.

By filing a supplementary-affidavit dated 05.11.2025, it has also been stated that the Election Commission had conducted its delimitation process in the year 2023 after nationwide census which was conducted in the year 2022 and no census has been made thereafter and therefore, question of further delimitation of Parliamentary Constituency does not arise at all unless further delimitation becomes necessary and therefore, the Election Commission vide circular dated 01.06.2023 published final notification reconstituting and re-adjusting 300 Parliamentary Constituency all over the country. It has next been asserted that the Election Commission published a circular on 30.07.2025 proposing to re-adjust of Parliamentary Constituencies all over the country including Faridpur-4 Constituency consisting of *Bhanga*, *Sadarpur*, *Charbhadrashan* Upazilla without changing the territory declared in 2023. It has also been stated that after publication of the impugned notification dated 04.09.2025 by the Election Commission publishing final list delimiting 300 Parliamentary seat citizen of *Bhanga* Upazilla became very curious and started rigorous protest against the decision of the Election Commission for transposing their two Union *Parishads* from

Bhanga Upazilla to Faridpur-2 Constituency. It has further been stated that the petitioners even were not aware of any application or any demand of the proposed re-adjustment of Faridpur-4 and it is manifestly clear that the Election Commission made the impugned re-adjustment of boundaries in its final circular which has not been done in consonance with the relevant provision of law.

Mr. Mohammad Humaun Kabir (Pallob), learned counsel appearing for the petitioner upon taking us to the writ petition and supplementary-affidavit and all the documents appended therewith at the very outset submits that while giving decision with regard to delimitation of Faridpur-4 Constituency by taking out two Union *Parishads* from *Bhanga* Upazilla and annexing those with Faridpur-2 Constituency is totally illegal without jurisdiction in view of the provision laid out in section 6(4) of the Ain of 2021.

To supplement the said submission, the learned counsel by referring to Annexure-‘3’ to the affidavit-in-opposition filed by the respondent nos. 3-4 also contends that though in the decision made on 27.08.2025 by the Election Commission no agenda (বিসয়) has been taken to delimit Faridpur-2 Constituency apart from Faridpur-1 and Faridpur-4 Constituencies yet the Election Commission on its own volition took out two Union *Parishads* from *Bhanga* Upazilla of Faridpur- 4 Constituency and added those two Union *Parishads* with *Nagarkanda* and *Saltha* Upazilla that constitutes, Faridpur-2 Constituency and most illegally did so despite having no agenda to that effect even though the said Constituency remained unchanged in the circular published on 30.07.2025

as per 2(gha) of the same when naturally no application was filed seeking delimitation of Faridpur-4 Constituency.

The learned counsel by referring to the applications/objections alleged to have raised by as many as 12 complainants, that have been annexed as Annexure- '4' and '4A' to the affidavit-in-compliance filed by the respondent nos. 3-4 also contends that apart from complainant nos. 1 and 2, namely, Assistant Professor Dr. Sahabuddin Ahmed as well as Md. Quddus Khan (Annexure-'4A' and '4B' thereof) none of the complainants remained present when the election commission took hearing for delimiting Faridpur-4 Constituency.

The learned counsel then adds that even from the complaint made by those very two complainants, it shows that none of them have ever sought to transpose any Union *Parishad* from *Bhanga* Upazilla to *Nagarkanda* and *Saltha* Upazilla that constitutes Faridpur-2 Constituency but still the Election Commission on its own accord took out two Union *Parishads* from *Bhanga* Upazilla at its sweet will which they are not authorized to do under the provision of section 6(4) of the Ain of 2021.

The learned counsel with reference to Annexure-'4A' to the affidavit of compliance of respondent nos. 3-4 also contends that out of 12 complaints 4 of them just sought withdraw or shift 6 Union *Parishads* from *Bhanga* Upazilla but none of them ever suggested to include those very 6 Union *Parishads* to Faridpur-2 Constituency and therefore, the Election Commission going beyond section 6(4) of the Ain of 2021 has taken the decision on 27.08.2025 that follows issuing of the impugned

notification dated 04.09.2025 which clearly denotes that their decision was predetermined.

By referring to the express provision of section 6(4) of the Ain of 2021 as well as circular dated 12.08.2025 issued by the Election Commission which has been annexed as of Annexure-‘2’ to the affidavit-in-opposition filed by the respondent nos. 3-4, the learned counsel also contends that, it is the mandatory provision that before coming into any decision with regard to delimitation of any Constituency, the Election Commission must take hearing of the complainant and then publish final list of delimitation but in the instant case, nothing has been done to that effect which is clear violation of the provision of section 6(4) of the Ain as well as the circular dated 12.08.2025 as aforesaid.

To fortify the said submission, the learned counsel by referring to paragraph no. 16 to the affidavit-in-opposition of the respondent nos. 3-4 representing the Election Commission in this writ petition, further contends that even they themselves admitted in that very paragraph, that no open hearing was conducted before the Election Commission while delimiting Faridpur-4 Constituency by excluding two Union *Parishads* from *Bhanga* Upazilla which is crystal clear that it is a classic case of act of malafide done by the Election Commission while delimiting Faridpur-4 Constituency which cannot be sustained in law.

By referring to the observation so made by the Election Commission while taking decision dated 27.08.2025, the learned counsel also contends that in a purely self-explanatory manner, the Election Commission withdrew two Union *Parishads* from *Bhanga* Upazilla and

added them to *Nagarkanda* and *Saltha* Upazilla in an abrupt manner taking into account of the number of voters prevailed in Faridpur-4 and Faridpur-2 Constituencies but without considering that the same is none of any complainant or claim ever made by twelve complainants, so there has been no justification of the decision arrived at by the Election Commission that follows the impugned notification.

The learned counsel by referring to the fag-end of the decision made by the Election Commission in regard to delimitating Faridpur-4 Constituency also contends that though 12 applications/objection were filed but out of them two participated in the hearing as evident from observation (পর্যালোচনা) of Annexure-‘3’ to the affidavit-in-opposition of respondent nos. 3 and 4 yet none of them have ever claimed to delimit Faridpur-4 Constituency rather one of them claimed to retain *Sadarpur* and *Charbadrashan* as single Constituency and *Bhanga* another Constituency which remained before 2008 when other applicant claimed to delimit Faridpur-1 Constituency but the Election Commission without taking into account of the proposal of those two applicants, participated in the hearing, very illegally and in a malafide manner, delimited Faridpur-4 Constituency which was not the case of any of the complainant of 12 complainants. With those submissions, the learned counsel finally prays for making the rule absolute.

On the flipside, Mr. Md. Habibur Rahman, the learned counsel appearing for the respondent nos. 3 and 4 by filing affidavit-in-opposition and affidavit of compliance very candidly opposes the contention taken by the learned counsel for the petitioners and submits that no illegality has

been committed by the respondents in delimiting Faridpur-4 Constituency transposing two Union *Parishads* from *Bhanga* Upazilla to *Nagarkanda* Upazilla because those two Unions taken out, is adjacent to *Nagarkanda* Upazilla so in order to harmonize the populations among Faridpur-2 and Faridpur-4 Constituencies, the Election Commission has rightly delimited Constituency Faridpur-4 having no illegality in it.

By referring to provision of section 6(4) of the Ain of 2021, the learned counsel also contends that, that very provision has given ample authority to the Election Commission to delimit any constituency on its own assessment and the impugned notification that is, Annexure-‘D’ to the writ petition has thus correctly been issued by them exercising the said authority.

When we pose a question to the learned counsel with regard to admission as asserted in paragraph no. 16 to the affidavit-in-opposition saying no hearing was held on the complaints made in response to notice dated 30.07.2025, the learned counsel then contends that it is merely a typing mistake made as at the time of preparing that affidavit-in-opposition as sufficient information was not available then and the said mistake will not render the action taken by the Election Commission by issuing impugned notification invalid.

The learned counsel by referring to the reason so have been assigned while taking decision by the Election Commission dated 27.08.2025 also contends that, while coming into that decision by transposing two Union *Parishads* from *Bhanga* Upazilla of Faridpur-2 Constituency, the Election Commission has given a vivid explanation

something the petitioners have failed to controvert in the writ petition as well as the supplementary-affidavit, and therefore, as per the provision of section 6 (4) of the Ain of 2021, the Election Commission, has rightly made the delimitation of Faridpur-4 Constituency which cannot be called in question in the writ jurisdiction and finally prays for discharging the rule.

Be that as it may, we have considered the submission so advanced by the learned counsel for the petitioners and that of the learned counsel for the respondent nos. 3 and 4. Together, we have also very meticulously gone through the provision so have been provided in the Act No. 14 of 2021 in particular, provision of section 6 thereof which is one of the important guiding provisions in delimiting any Parliamentary Constituency.

On going through supplementary-affidavit so filed by the petitioners, we find that as per provision of section 6(3) of the Ain of 2021, the Election Commission published a notice on 30.07.2025 where all the Constituencies across the country has been mentioned inviting person/persons to make complaint/claim/suggestion/opinion with regard to delimitation of the Constituencies. In response to the said notice as many as 12 inhabitants filed petition detailed of which we find in Annexure-‘4’ and ‘4A’ of the affidavit-in-compliance filed by the respondent nos. 3 and 4 dated 04.11.2025. On going through the complaints, we find that none of the said 12 complainants ever claimed to have withdraw two Union *Parishads* from *Bhanga* Upazilla and to add those to *Nagarkanda* Upazilla rather as has been stated herein above, with

reference to submission of the learned counsel for the petitioners, that the complainant no. 1 wanted to delimit Constituency No. 1 (ফরিদপুর-১ আসনের সীমানা পুনঃনির্ধারণ) and that of complainant no. 2 to retain Constituency Nos. 4 and 5 which had been before 2008 that is, Faridpur-5 Constituency comprising *Bhanga* Upazilla and Faridpur-4 Constituency encompassing *Sadarpur* and *Charbadrashan* Upazilla which has been reflected in Annexure-‘4A’ and ‘4B’ to the affidavit-of-compliance. However, apart from those two complainants, none of other ten ever raised any objection with regard to bifurcating *Bhanga* Upazilla though they sought for withdrawing 6 Union *Parishads* from *Bhanga* Upazilla. But most importantly, those who sought for withdrawing 6 Union *Parishads* from *Bhanga* Upazilla were not present during hearing held before the Election Commission on 27.08.2025. So, obviously no hearing took place on their complain as per section 6(4) of the Ain of 2021 or notification (প্রজ্ঞাপন) dated 18.08.2025. If for argument’s sake, we find that those 10 complainants sought for withdrawing certain Union *Parishad* from *Bhanga* Upazilla but that very proposal was not supported as no hearing took place, so if a petition or objection is not heard, the Election Commission assumes no authority to arrive at any decision with regard to any proposal/complaint made by an absentee complainant and therefore, we are totally at one with the submission so placed by the learned counsel for the petitioners and find a clear violation of the provision of section 6(4) of the Ain of 2021 by the Election Commission itself. Even Annexure-‘2’ to the affidavit-in-opposition, that is, the notification issued by the Election Commission itself asserts of taking hearing something is

mandatory requirement of law as it inserts the words “নির্বাচন কমিশন প্রকাশ্য শুনানীর মাধ্যমে তাদের আপত্তি/পরামর্শসমূহ নিষ্পত্তি করবে.” But from the decision given by the Election Commission itself dated 27.08.2025, we find that only two persons remained present and presented their case which is totally contrary to the proposal made by other 10 persons. So if no hearing is held, then how the Election Commission made a decision withdrawing two Union *Parishad* from *Bhanga* Upazilla and issued impugned notification is totally incomprehensible to us which is rather colorable exercise of power on the part of Election Commission and malafide action.

On top of that, Annexure-‘3’ to the affidavit-in-opposition clearly depicts that there has been no agenda ever set by the Election Commission with regard to bifurcating/delimiting Faridpur-2 Constituency rather only with regard to Faridpur-1 and Faridpur-4 Constituencies and accordingly, when hearing was held in respect of delimiting Faridpur-1 Constituency suggestion has been offered by one Assistant Professor Dr. Shahabuddin Ahmed to exclude two Union *Parishads*, namely, *Tagarbanda* and *Gopalpur* of *Alphadanga* Upazilla from Faridpur-1 Constituency. But curiously enough, the Election Commission did not pronounce any decision with regard to that Faridpur-1 Constituency but they seem to be vociferous with regard to Faridpur-4 Constituency when none of any inhabitants of Faridpur-2 Constituency filed any complaints/claim to include any Union from *Bhanga* Upazilla which clearly exemplifies that the Election Commission in a pre-notion manner has taken the decision dated 27.08.2025 that follows issuance of impugned notification dated 04.09.2025 which is simply a malafide action taken by the Election

Commission by going beyond the express provision of law in particular, section 6(4) of the Ain of 2021 as well as of its own notification dated 18.08.2025. Then again, since as per section 8(1)(kha) of the Ain of 2021 realignment of Parliamentary area has already been made (সীমানা পুনঃনির্ধারণ করিয়া) as has been specified in the notice dated 30.07.2025, then there has been no earthly reason to file any complaint by any individual let alone to invite any suggestion, opinion and pass decision on that by Election Commission and then issue impugned notice basing thereon.

Regard being had to the facts, circumstances and discussion made hereinabove, we find ample substance to the submission so placed by the learned counsel for the petitioners.

Resultantly, the rule is made absolute however without any order as to costs.

The impugned notification dated 04.09.2025 published by the respondent no. 4, so far it relates to transposing two Union *Parishads* namely, *Algi* and *Hamirdi* from *Bhanga* Upazilla of Faridpur District (Faridpur-4 Parliamentary Constituency) to *Nagarkanda* and *Saltha* Upazilla of Faridpur District (Faridpur-2, Parliamentary Constituency) is thus declared to be made without lawful authority and is of no legal effect and the same is thus struck down.

The respondents are thus directed to publish a Gazette Notification deleting two Union *Parishads*, namely, *Algi* and *Hamirdi* from 212 Faridpur-2 Parliamentary Constituency and add these to 214 Faridpur-4 Parliamentary Constituency within 24(twenty-four) hours from today.

Let a copy of this judgment and order be communicated to the respondents forthwith treating it utmost urgent.

Md. Hamidur Rahman, J.

I agree.