

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

Writ Petition No. 15587 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. Hodayun Kabir and others

....Petitioners

Versus

Government of Bangladesh, represented by the
Senior Secretary, Ministry of Land, Bangladesh
Secretariat, Secretariat Building, Ramna, Dhaka-
1000 and others

....Respondents

Mr. Jyotirmoy Barua, Advocate with
Mr. Ripon Kumar Barua, Advocate and
Ms. Bilkis Nasima Rahman, Advocate

....For the Petitioners

Mr. A.K.M. Hanif, Advocate

.... For the respondent No. 2

Present:

Mr. Justice Md. Iqbal Kabir

And

Mr. Justice S M Saiful Islam

Judgment on 14.07.2026.

Md. Iqbal Kabir, J:

This Rule Nisi was issued calling upon the respondents to show cause as to why the impugned inquiry report dated 19.05.2025 submitted by the respondent Nos. 5, 7-10 under section 4(3)(a) of the Acquisition and Requisition of the Immovable Property Act, 2017 (Annexure-G) without considering section 4(7) of the Acquisition and Requisition of the Immovable Property Act, 2017 shall not be declared to be illegal, without lawful authority and is of no legal effect and also as to why they shall not be directed to pay proper compensation to the petitioners after complying with section 4(7) of the Acquisition and Requisition of the Immovable Property Act, 2017, in connection with the L.A. Case No. 11/2021-2022, so far as it relates to the lands of the petitioners and/or such other or further order or orders passed as to this Court may seem fit and proper.

Short facts stated in this application are that the Petitioners are law-abiding and peace-loving citizens of Bangladesh. The Petitioners are residents of Jahangir Nagar, Khalilabad and Panchkandi, which are under Police Station-Raipura, Monohordi, District-Narsingdi. They own and possess the land through purchase, inheritance, and rental. The Petitioner No. 1 has taken 29.24 decimals of the land on rent from Mr. Nazmul Islam and Md. Ashraful Islam situated under Police Station-Shibpur, Mouza-Josore, J.L. No. Josore-111, District-Narsingdi. Thereafter, the Petitioner No. 1 developed the land for business purposes. The Petitioner No. 2 is the owner of an area of land measuring 0.3657 acres situated under Police Station-Shibpur, Mouza-Josore, J.L. No. Josore-111, District-Narsingdi. The Petitioner No. 3 has been possessing the land uninterruptedly for a long time. The Petitioner No. 2, between 2017 and 2018, constructed a three-story building and godowns for business purposes. The Petitioner No. 2 pays his land development tax regularly. The Petitioner No. 3 is the owner of an area of land measuring 0.2772 acres situated under Police Station-Shibpur, Mouza-Srishti Ghar, J.L. No. Srishti Ghar-110, District-Narsingdi. The Petitioner No. 3 has been possessing the land uninterruptedly for a long time, and he pays his land development tax regularly. The Petitioner No. 3, between 2017 and 2018, constructed a three-storey building on the said land after obtaining permission from the concerned authority for business purposes.

In order to acquire the land, the office of the respondent No. 5 issued separate notices under Section 4(1) of the Acquisition and Requisition of the Immovable Property Act, 2017 for acquiring the lands of the Petitioners for the Dhaka (Kanchpur)-Sylhet-Tamabil Highway Four Lane Development Project. Thereafter, the joint investigation reports were published, in which every infrastructure has been rightly included, but in the comment column of the investigation report, it was mentioned that the infrastructure was built recently, which has been intentionally and maliciously articulated to deprive the Petitioners of their rights to get proper compensation. Following law, it appears

that Respondent Nos. 5, 7-10 under Section 4(3) of the Acquisition and Requisition of the Immovable Property Act, 2017 carried out a physical inspection in connection with the appeals preferred by the Petitioners under Section 4(8) of the Acquisition and Requisition of the Immovable Property Act, 2017. In the inspection report, the Respondent Nos. 5, 7-10 opined that the structures of the Petitioners made on their lands are totally abandoned and uninhabitable. The Petitioners made their structures only to gain benefits illegally. The proposed project for the Dhaka (Kanchpur)-Sylhet-Tamabil Highway Four Lane Development Project has been initiated in 2024, but the Petitioners have developed their lands for various purposes, such as residential, business, godowns, and factories, since 2018-2019. However, the Petitioners, by issuing Demand Justice Notice upon the Respondents and requested them not to proceed with the acquisition of the lands of the Petitioners without assessing the actual nature and character of the lands and infrastructures, but the Respondents remain silent.

Being aggrieved and dissatisfied with the aforesaid inaction, the Petitioners filed this writ petition and obtained the instant Rule.

Mr. Jyotirmoy Barua, the learned Advocate appearing on behalf of the Petitioners, submits that under Section 4(3) (a) of the Acquisition and Requisition of the Immovable Property Act, 2017, all existing structures must be included in the videography survey. However, the respondents intentionally excluded the petitioners' structures, although they were constructed in 2018–2019, well before the acquisition proceedings began in 2021, and have been used for residential, commercial, and industrial purposes. Therefore, Section 4(7), which applies only to structures built with mala fide intention after the commencement of acquisition proceedings, has no application to the present case.

He further submits that the respondents wrongly relied on Section 4(7) to deny compensation and prepared the Inquiry Report dated 19.05.2025 without considering the actual condition of the property. As such, the report is arbitrary,

unreasonable, contrary to law, and violative of the principles of natural justice. Accordingly, the impugned Inquiry Report dated 19.05.2025 (Annexure-G) is liable to be declared to have been made without lawful authority and to be of no legal effect.

Mr. A.K.M. Hanif, learned Advocate appearing for the respondent No. 2, without filing any affidavit-in-opposition, submits that the following due procedure assessments have been made. However, this Court adjourned and allowed time to file an affidavit-in-opposition to produce relevant documents or record relates with the case to this Court, but was unable to produce any, and no proper explanation was brought to this Court.

In view of the above, we are of the view that justice would be best served if this Court dispose of the Rule with a direction to conduct a fresh inquiry following provision of sections 4(3)(a) and 4(7) of the Acquisition and Requisition of Immovable Property Act, 2017, in connection with L.A. Case No. 11/2021-2022, so far as it relates to the petitioners' lands.

Accordingly, the impugned Inquiry Report dated 19.05.2025 (Annexure-G), prepared by respondent Nos. 5 and 7-10, so far as it relates to the petitioner, is declared to have been made without lawful authority and to be of no legal effect.

However, the respondents are directed to conduct a fresh inquiry following the provision of sections 4(3)(a) and 4(7) of the Acquisition and Requisition of Immovable Property Act, 2017, in connection with L.A. Case No. 11/2021-2022, so far as it relates to the petitioners' lands, and thereafter determine and pay the compensation lawfully payable to the petitioners.

With the observation, the Rule is disposed of.

There will be no order as to costs.

Communicate the order.

S M Saiful Islam, J:

I agree.