

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

Present

Mr. Justice Sikder Mahmudur Razi
And
Mr. Justice Raziuddin Ahmed

Writ Petition No. 12529 of 2024

Md. Fayazur Rahman Jewel
.....Petitioner.

-Versus-

Bangladesh Bank and another.
.....Respondents.

None appears
.....For the petitioner.
Mr. ASM Abdur Razzaque, Advocate
.....For the respondent Nos. 2 & 3.

The 25th November, 2025

Sikder Mahmudur Razi, J:

This is an application for discharging the rule and vacating the order of stay granted earlier in Writ Petition No. 12529 of 2024 for non-compliance of the order of this court dated 27.10.2024.

Mr. ASM Abdur Razzaque, learned Advocate for the respondent Nos. 2 and 3-applicants by filing an application submits that at the time of issuance of the rule this court passed an interim order of stay of the auction process on condition that the petitioner shall pay the entire outstanding loan amount within 24(Twenty four) months by 8(eight) equal installments to the applicant Bank, failing which the rule shall stand discharged.

The learned Advocate further submits that as per the order of this court, the 1st installment was payable by the writ petitioner within 27.01.2025, but the petitioner did not deposit any amount of money to

the respondent Nos. 2 and 3 and also did not file any affidavit of compliance. He further submits that the applicant bank, namely Uttara Bank PLC is a private banking institution. The borrower/writ petitioner has challenged the auction notice dated 30.09.2024 published by the applicant Bank in "The Daily Ittefaq" to sell the mortgaged under section 12(3) of the Artha Rin Adalat Ain, 2003 towards recovery of outstanding dues of Tk. 10,24,60,391.68/- (Taka ten crore twenty-four lacs sixty thousand three hundred ninety-one and paisa sixty-eight) only as on 14.09.2024. The learned Advocate finally submits that it has been settled by this Hon'ble Court that writ petition is not maintainable against private bank and the Ministry of Finance and the Governor of Bangladesh Bank have been inducted in the Writ Petition as respondents only to attract Article 102 of the constitution as a method of cunning device.

We have heard the learned Advocate for the respondent-bank. We have gone through the application and the relevant order dated 27.10.2024.

It appears that the petitioner was directed to pay the total outstanding loan amount within 24(Twenty four) months by 8(eight) installments and it was also in the order that on failure to comply with the said order, the rule shall stand discharged. According to statement of the respondent-bank the petitioner failed to comply with the order of this court, therefore, as per court's order, the rule has already been discharged.

In view of the facts and circumstances, we are inclined to allow the instant application and accordingly, the same is allowed.

Resultantly, the rule is discharged for non-compliance of the court's order dated 27.10.2024.

(Sikder Mahmudur Razi, J.)

I agree.

(Raziuddin Ahmed, J.)