

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. 1032 of 2025**

Md. Elias Ali

.....Petitioner.

**-Versus-**

Secretary, Ministry of Finance  
and others.

.....Respondents.

None appears

.....For the petitioner.

Mr. Md. Raju Mia, Advocate

.....For the respondent No. 4.

**The 2<sup>nd</sup> December, 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. 1032 of 2025 for non-compliance of the order of this court dated 27.01.2025.

Mr. Md. Raju Mia, learned Advocate for the respondent No. 4-applicant 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 a sum of Tk. 5,00,000/- to the respondent No. 3 within 27.07.2025 and the rest outstanding dues shall be deposited within 27.07.2026 by twelve equal installments, failing which the order of stay shall stand recalled and vacated.

The learned Advocate further submits that as per the order of this court, the petitioner has not deposited money in the respondent-bank and the concerned bank has issued a certificate dated 14.11.2025 as evident in Annexure-I to the application for discharging the rule. He further submits

that the ad-interim order of stay was passed by this court for a limited period which expired on 27.07.2025 and in the meantime, the date of auction for sale of the mortgaged property also expired on 27.01.2025. He next submits that as per the court's order the petitioner did not file any affidavit of compliance and as such the instant rule issued in the writ petition is liable to be discharged and consequently the interim order also be vacated for ends of justice.

We have heard the learned Advocate for the respondent No. 4-applicant bank. We have gone through the application and the relevant order dated 27.01.2025.

It appears that the petitioner was directed to pay a sum of Tk. 5,00,000/- to the respondent bank within 27.07.2025 and the rest outstanding dues within 27.07.2026 by twelve equal installments and it was also in the order that on failure to comply with the order the rule shall stand discharged. According to the statement of the respondents No. 4-applicant 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 27.01.2025.

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(Sikder Mahmudur Razi, J.)

I agree

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(Raziuddin Ahmed, J.)