

Bench:

Mr. Justice Md. Ali Reza

Civil Revision No. 2665 of 2025

Md. Shafiqul Islam

.....petitioner

-Versus-

Rasel Md. Mohasin and others

.....opposite parties

No one appears for the petitioner

Mr. Sayid Golam Hafiz with

Mr. Md. Rezaul Karim, Advocates

.....for the opposite parties

**Heard on: 25.02.2026 and 05.03.2026**

**Judgment on: 10.03.2026**

In the instant revision Rule was issued on 30.06.2025 calling upon the opposite parties 1-9 to show cause as to why the judgment and order dated 30.04.2025 passed by the learned Senior District Judge, Mymensingh in Miscellaneous Appeal No. 92 of 2024 allowing the appeal thereby reversing the order dated 14.10.2024 passed by the learned Senior Assistant Judge, Trishal, Mymensingh in Other Class Suit No. 288 of 2024 allowing the application for temporary injunction filed by the plaintiffs should not be set aside and/or such other of further order or orders passed as to this Court may seem fit and proper.

The petitioner as plaintiff instituted Other Class Suit 288 of 2024 in the Court of the Senior Assistant Judge, Trishal, Mymensingh seeking a decree for permanent injunction. Along with the plaint the plaintiff also filed an application for temporary injunction under Order 39 Rules 1 and 2 of the Code of Civil Procedure.

On the other hand the defendants 1, 2 and 3 entered appearance and filed a written objection contending *inter alia* that they are officers of Power Grid Company of Bangladesh Limited under the Power Division of the Ministry of Power Energy and Mineral Resources of the Government of Bangladesh and they are engaged in establishing power transmission lines throughout the country and carrying out related works. The trial Court by order dated 14.10.2024 allowed the application for temporary injunction restraining the defendants from entering into the suit land and from dispossessing the plaintiffs therefrom.

Being aggrieved by the said order dated 14.10.2024 defendant 2 preferred Miscellaneous Appeal 92 of 2024 before the Court of the District Judge, Mymensingh. In the said appeal the defendant also filed an application for stay of the order of temporary injunction. After hearing the parties the

appellate Court allowed the miscellaneous appeal and set aside the order of injunction by judgment and order dated 30.04.2025.

As against the said judgment and order the plaintiff preferred the instant civil revision before this Court and obtained Rule along with an order of stay on 30.06.2025. However when the matter appeared in the cause list for hearing on 25.02.2026 and 05.03.2026 none appeared on behalf of the petitioner to press the Rule.

Mr. Sayid Hafiz, the learned Advocate appearing on behalf of the opposite party by filing a counter affidavit submits that the Government of the People's Republic of Bangladesh, the Government of the People's republic of China and the Power Grid Company are jointly implementing a project titled "Power Grid Network Strengthening Project under PCCB-100" founded by PGCB and approved by ECNEC as a priority project for ensuring reliable power transmission across the country and for addressing the prevailing power crisis. The present subject matter relates to the civil work of Tower 46/1 of the Kaliakoir-Shambhuganj 400 KV Double Circuit Transmission Line under the aforesaid project. He further submits that in accordance with Rule 3(7)

of the Electricity Rules 2020 the Deputy Commissioner issued a public notice on 20.12.2021. When the Power Grid authority initiated soil testing at the location of Tower 46/1 one of the landowners namely Most. Ozifa Khatun for the first time raised resistance and filed Other Class Suit 300 of 2022 seeking permanent injunction along with an application for temporary injunction.

The said application for injunction was allowed on 26.02.2023. Being aggrieved thereby the Power Grid Authority preferred Miscellaneous Appeal 32 of 2023 but the appellate Court affirmed the order of the trial Court by judgment and order dated 15.11.2023. Against the said judgment the Power Grid authority filed Civil Revision No. 2041 of 2024 in which Rule was issued and an order of stay was granted on 20.05.2024.

Thereafter the plaintiff preferred Civil Petition for Leave to Appeal No. 2391 of 2024 before the Appellate Division challenging the interim order dated 20.05.2024 which was disposed of on 24.11.2025.

It is further submitted that the Power Grid authority included the name of the present plaintiff for awarding compensation in accordance with law and after proper

assessment deposited a sum of Tk. 10,82,269/- as compensation along with a forwarding letter dated 14.01.2024 through cheque No. CDC-2678278 dated 10.01.2024 to the office of the Deputy Commissioner. Subsequently all relevant procedural formalities were updated up to 03.11.2024.

During the process of awarding compensation the plaintiff instituted the present Other Class Suit No. 288 of 2024 seeking permanent injunction against the government project and prayed for temporary injunction therein. The trial Court allowed the application for injunction by order dated 14.10.2024.

Being aggrieved thereby defendant No. 1 preferred Miscellaneous Appeal No. 92 of 2024 which was allowed by the appellate Court on 30.04.2025. Against the said judgment the plaintiff preferred the instant revision and obtained Rule along with an order of stay on 30.06.2025.

The learned Advocate for the opposite party submits that the trial Court failed to consider the relevant provisions of the Electricity Rules, 2020 wherein it has been provided that construction of electricity transmission towers shall not be obstructed in any circumstances. He further submits that the prayer for injunction is barred under section 56(d) of the

Specific Relief Act inasmuch as the petitioner can be adequately compensated in the event of implementation of the project.

Heard the learned Advocate for the opposite party and perused the materials on record and considered the laws relevant thereto.

From the order passed by the trial Court it appears that the trial Judge observed that although construction of electricity towers is a work of public importance and although under section 56 of the Specific Relief Act injunction cannot ordinarily be granted against works of public importance nevertheless since the defendants prima facie appeared to have violated the provisions of the Electricity Rules and there was apprehension of irreparable loss to the plaintiff an order of temporary injunction was warranted.

On the other hand the appellate Court by its order dated 30.04.2025 held that the trial Court granted the order of injunction against an urgent development work relating to construction of electricity towers and transmission lines under the Power Grid project. The appellate Court further found that notices had been duly served upon the plaintiff in accordance with the Electricity Rules, 2020 and the compensation amount

had already been deposited with the office of the Deputy Commissioner by the defendants.

The appellate Court also observed that continuation of the order of injunction would seriously hinder the construction of the electricity transmission grid line and thereby adversely affect public interest. In such circumstances the order of temporary injunction was liable to be set aside.

In view of the above I find that the appellate Court committed no error of law resulting in an error in such order occasioning failure of justice in setting aside the order of temporary injunction passed by the trial Court.

It is also to be observed that where a suit is filed seeking permanent injunction against an urgent and highly important public service project of the Government the question of maintainability of such suit ought to be heard and disposed of on an urgent basis. In this regard the direction of the appellate Court fixing a time limit of fifteen working days for disposal of the matter appears to be lawful and justified in the interest of public welfare and proper administration of justice and such direction has got to be maintained by the trial Court without affording any adjournment to any of the parties except extreme exigency.

In the result I find no merit in this Rule.

Accordingly, the Rule is discharged.

The judgment and order of the appellate Court is hereby affirmed and the order passed by the trial Court is set aside.

The order of stay passed by this Court stands vacated.

The office is directed to communicate a copy of this judgment and order to the concerned Court at once.

Md. Ali Reza, J: