

Present:

Mr. Justice Md. Shohrowardi

Civil Revision No. 2484 of 2024

Mst. Shahanara Bewsa and others....Petitioners

-Versus-

Upazila Nirbahi Karmokarta, Bagmara, Rajshahi and another....Opposite parties

Mr. Md. Golam Nabi, Advocate with

Ms. Afroja Akter, Advocate

....For the petitioners

No one appears.

....For the opposite party Nos. 1 and 2

Heard on 23.04.2026

Judgment delivered on 05.05.2026

On an application under section 115(1) of the Code of Civil Procedure, 1908 Rule was issued calling upon the opposite party Nos. 1 and 2 to show cause as to why the impugned judgment and order dated 31.08.2023 passed by the Additional District Judge, Court No. 2, Rajshahi in Miscellaneous Appeal No. 52 of 2022 affirming the judgment and order dated 16.05.2022 passed by the Senior Assistant Judge, Bagmara, Rajshahi in Other Class Suit No. 22 of 2022 rejecting the application for temporary injunction should not be set aside and/or pass such other or further order or orders as to this Court may seem fit and proper shall not be passed.

The relevant fact for disposal of the Rule is that the plaintiff-petitioners filed Other Class Suit No. 22 of 2022 on 09.02.2022 in the Court of Assistant Judge, Bagmara, Rajshahi praying for a decree of declaration of title in the suit land. During pendency of the suit, the plaintiff-petitioner filed an application under Order 39 Rule 1 and 2, and 151 of the Code of Civil Procedure, 1908, praying for an injunction restraining the defendants from forcibly dispossessing the petitioner from the suit land and not to construct the permanent house or not to change the nature and character of the suit land. After hearing the parties, the Senior Assistant Judge, Bagmara, Rajshahi, by order dated 08.05.2022, rejected the said application holding that in the suit land the government development project in the name of 'Asroyon Prokolpo-2' is going on involving the public interest. If any order granting injunction is passed, it will certainly hamper the development project of the government and would be prejudicial to the public interest, and there is no prima facie arguable case in favour of the plaintiff and the balance of inconvenience lies in favour of the defendant-opposite party. The appellate Court affirmed that the said order holding that the government set up 'Asroyon Prokolpo' in the suit land for public interest and the balance of convenience and inconvenience is in favour of the defendants.

Learned Advocate Mr. Md. Golam Nabi appearing along with learned Advocate Ms. Afroja Akter on behalf of the plaintiff-petitioners submits that the plaintiff-petitioners inherited the property and she along with her sisters are possessing the suit property and there is an apprehension of dispossession by the defendant Nos. 1 and 2. He prayed for making the Rule absolute.

No one appears on behalf of the opposite party Nos. 1 and 2.

I have considered the submission of the learned Advocate Mr. Md. Golam Nabi who appeared along with the learned Advocate Ms. Afroja Akter on behalf of the plaintiff-petitioners, perused the application filed by the plaintiff-petitioners under Order 39 Rule 1 and 2, the impugned judgments and orders passed by the Courts below and the records.

On perusal of the records, it reveals that both the Courts below arrived at a concurrent finding of fact that the Government initiated 'Asroyon Prokolpo-2' in the suit land and the plaintiff-petitioners failed to prove prima facie possession in the suit land. I do not find any reason to interfere with the concurrent finding of fact arrived at by the Courts below.

I find no merit in the Rule.

In the result, the Rule is discharged.

However, there will be no order as to costs.

The trial Court is directed to dispose of the suit expeditiously.