

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

Writ Petition No. 17766 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. Helal Hawlader

... Petitioner

-Versus-

Government of Bangladesh and others

... Respondents

Mr. Md. Abdus Salam, Advocate

... For the petitioner

Mr. Mohammad Sawkat Ali Bhuiyan, Advocate

...For the respondent No. 3

Mr. Tanim Khan, D.A.G. and

Mr. Dewan Humaun Kabir(Ripon), D.A.G with

Ms. Fatema Yesmin, A.A.G.

Mr. Mehedi Hasan Ronve, A.A.G.

Ms. Elina Chowdhury, A.A.G. and

Mr. Sk. Naser Wahed (Shemon), A.A.G.

... For the respondents

Order dated: 24.08.2026

Present:

Justice Sardar Md. Rashed Jahangir

and

Justice Md. Ziaul Haque

Sardar Md. Rashed Jahangir, J:

On an application under article 102 of the Constitution of the
People's Republic of Bangladesh, the Rule Nisi was issued on
03.11.2025 as follows:

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the auction notice published in the daily "Sangbad" on 13.10.2025 by the respondent No. 3 under section 12(3) of the Artha Rin Adalat Ain, 2003 (Annexure-C) for selling out the mortgaged property of the petitioner as described in the schedule of the said auction notice which is scheduled to be held on 05.11.2025 should not be declared to have been made without lawful authority and is of no legal effect and/or pass such other or further order or orders as to this Court may seem fit and proper.”

By filing a series of affidavits-of-compliance, learned Advocate for the petitioner apprised this Court that in the mean time he have adjusted the total outstanding liabilities and the respondent-bank also issued a No-Liabilities certificate in favour of the borrower-petitioner.

On the other hand, learned Advocate for the respondent No. 3 by filing supplementary affidavit dated 02.09.2026 categorically conceded the submission of learned Advocate for the petitioner.

Considering the facts and circumstances and the statement made through the affidavits, it appears to us that the borrower has adjusted the outstanding liabilities and the bank issued no liabilities certificate in favour of the borrower.

In the facts and circumstances, we do not see any necessity to proceed with the Rule any more.

Accordingly, the Rule is disposed of.

On further consideration of the submission of the petitioner, we are inclined to direct the bank to release all the documents and execute

necessary papers to release him from the guarantee/mortgage and the all other necessary formalities as well.

No order as to cost.

Md. Ziaul Haque, J:

I agree.