

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

Writ Petition No. 666 of 2012

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. Zahir Hossain

... Petitioner

-Versus-

The Commissioner of Customs (Import),
Customs House, Chattogram and others

... Respondents

Mr. Md. Aman Ullah, Advocate

...For the petitioner

Mr. Md. Monjur Alam, D.A.G. with

Dr. Mohammad Soeb Mahmud, A.A.G.

Mr. Md. Abul Hasan, A.A.G.

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

Mr. Md. Azadul Islam (Azad), A.A.G and

Mr. Md. Tareq Rahman, A.A.G

... For the respondents

Dated: 20.08.2025

Present:

Justice Sardar Md. Rashed Jahangir

and

Justice Md. Abdul Mannan

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
22.01.2012 as follows:

“Let a Rule Nisi be issued calling upon the respondents to
show cause as to why Public Notice (Sthai Adesh) No. 08 dated
17.04.2001 (Annexure-C) issued by the respondent No. 1 in

contrary to section 5, 79, 80 and 82 of the Customs Act, 1969 and failure of the respondent No. 1 to entertain application dated 10.01.2012 in respect of the goods lying under Bill of Entry No. C-383, C-379 dated 01.01.2011 and C-16420 dated 31.01.2011 corresponding to Line No. APL-36, APL- 37, NYK-SOI should not be declared to have been done or taken without lawful authority and is of no legal effect and/or such other or further order or orders passed as to this Court may seem fit and proper.”

At the time of issuance of the Rule Nisi, a direction was given upon the respondent No. 1 directing to release the imported vehicles upon payment of duties, taxes and other charges in accordance with law with in 05(five) working days and at the same time the auction process covered under the Bill of Entry No. C-383, C-379 dated 01.01.2011 and C-16420 dated 31.01.2011 corresponding to Line No. APL-36, APL- 37, NYK-SOI was stayed.

For effective disposal of the Rule, elaborate discussion of facts are not necessary, save and except, the petitioners imported some reconditioned vehicles upon opening different Letters of Credit. After arrival of the imported vehicle at Chattogram Port through his C&F agent submitted Bill of Entries. The customs authority assessed the imported goods in accordance with law. But due to financial hardship the petitioner could not release the imported consignments in due time and as such, the imported reconditioned vehicles covered under Bill of Entry No. C-383, C-379 dated 01.01.2011 and C-16420 dated 31.01.2011 corresponding to Line No. APL-36, APL- 37, NYK-

SOI were put into auction. Upon coming to know about the aforesaid initiative of auction, the petitioner moved before this Court and obtained the Rule Nisi together with the interim direction and stay.

No one appears for the petitioner.

Learned Deputy Attorney General apprised this Court that in compliance of this Court's direction the vehicles have been duly released upon accepting all applicable duties, taxes and charges and as such, the Rules as have been issued by this Court has become infructuous.

Considering the above facts and circumstances, this Court is of the view that nothing is left in the Rule to be adjudicated, since the goods under auction were released in accordance with law. Therefore, we are of the view that the Rule has become infructuous.

Accordingly, the Rule is discharged, the interim order and direction is hereby recalled.

No order as to cost.

Communicate the order at once.

Md. Abdul Mannan, J:

I agree.