

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

Writ Petition No. 10462 of 2013

IN THE MATTER OF:

An application under Article 102 read with Article 44
of the Constitution of the People's Republic of
Bangladesh.

AND

IN THE MATTER OF:

Probir Ghosh

....Petitioner

Versus

Government of the People's Republic of
Bangladesh, represented by the Secretary, Ministry
of Home Affairs, Bangladesh Secretariat, Dhaka,
others

....Respondents

No one appears

....For the Petitioner

Mr. Md. Abid Chowdhury, DAG with

Mr. M Mohiuddin Yousuf, DAG

Mr. Monjur Elahi Porag, AAG

Mr. Ariful Alam, AAG

Mr. Nazmul Hasan Chowdhury, AAG and

Mr. Md. Shahidul Islam, AAG

.... For the respondents

Present:

Mr. Justice Md. Iqbal Kabir

And

Mr. Justice S M Saiful Islam

Judgment on 18.05.2026.

Md. Iqbal Kabir, J:

At the instance of the petitioner, this Rule Nisi was issued in the following
terms:

“Let a Rule Nisi be issued calling upon the respondents to show
cause as to why the action of the respondents in raiding the house
of the petitioner and attempting to arrest him without following the
procedure of law should not be declared to have been made
without lawful authority and is of no legal effect and as to why the
respondents should not be directed to ensure that the petitioner is
not illegally harassed and arrest and secured in his home against
entry, search and seizure by the Law Enforcing Agencies or any
person acting under their authority and/or pass such other or
further order or orders as to this Court may seem fit and proper.”

At the time of issuance of the Rule, this Court passed an interim order, thereby directing the respondents not to arrest or harass the petitioner without due process of law.

Facts remain that the petitioner was arrested one after another without a warrant of arrest. Therefore, the action of the competent authority was challenged by the petitioners, and they sought necessary direction from this Court against such illegal action.

Mr. Md. Abid Chowdhury, the learned DAG for the respondents, submits that by the interim order of this Court, the petitioners already got the relief which they had sought. The cause of invoking writ jurisdiction no longer subsists; the Rule has already become infructuous.

Records show that after obtaining the order, the petitioner did not turn up to appear before this Court.

We find substance in the submission of the learned AAG for the respondents.

Accordingly, the Rule is discharged as being infructuous.

The order of direction granted at the time of issuance of the Rule is vacated.

However, there shall be no order as to costs.

There is no Order as to costs.

Communicate the Order at once.

S M Saiful Islam, J:

I agree.