

**In the Supreme Court of Bangladesh
High Court Division
(Civil Revisional Jurisdiction)**

Present:

Mr. Justice Md. Riaz Uddin Khan
Civil Revision No. 1535 of 2014

IN THE MATTER OF :

An application under section 115(1) of the
Code of Civil Procedure

-And-

In the Matter of:

Mohammad Rafiq and others

... Petitioners

Versus

Md. Abdul Motalib and others

...Opposite parties

None

... For the parties

Heard and Judgment on: 27.02.2024

Md. Riaz Uddin Khan, J-

Rule was issued asking the opposite parties to show cause as to why the judgment and order dated 13.01.2014 passed by the Joint District Judge (Environment Court), Chattogram in Miscellaneous Appeal No. 82 of 2011 dismissing the Appeal and thereby affirming the order dated 03.05.2011 passed in Other Class Suit No. 66 of 2011 by the Assistant Judge, Lohagara, Chattogram should not be set aside and/or pass such other or further order or orders as to this court may deem fit and appropriate.

At the time of issuance of Rule this Court was pleased to stay operation of the judgment and order dated 13.01.2014 passed by the Joint District Judge, (Environment Court), Chattogram initially for a period of 6 months which was

ultimately extended till disposal of the Rule by order dated 19.04.2015.

No one appears to support or oppose the Rule when the matter was taken up for hearing.

The present petitioners and others as plaintiff instituted Other Class Suit No. 66 of 2011 for declaration of Title and for further declaration that the B.S record in the names of the Defendants against the scheduled land is erroneous, fraudulent and without any basis. The Defendant No. 1 contested the Suit by filing a written statement denying all the material allegations made in the plaint and claimed the title and possession in the Suit Land.

The Defendant No. 1 filed an application for temporary injunction claiming that the Plaintiffs are forcefully trying to make construction on the Suit Land and another application for local inspection of the Suit Land. However, the learned trial judge vide his order No. 5 dated 24.03.2011 directed the parties to maintain status-quo in relation to the nature and character of the Suit Land. Thereafter the Defendant No. 1 filed an application for mandatory injunction on 29.03.2011 praying for directing the Plaintiffs to remove their structure constructed on the suit land violating the order of status-quo dated 24.03.2011. The Plaintiff contested the same by filing written objection. After hearing both the parties the learned Assistant Judge, by his order dated 03.05.2011 extended his order of status-quo granted earlier on 24.03.2011 till further order.

The Plaintiffs filed Miscellaneous Appeal No. 82 of 2011 before the District Judge, Chattogram against the aforesaid order dated 03.05.2011 which was ultimately heard by the Joint District Judge (Environment Court), Chattogram who upon hearing the parties by his judgment and order dated 13.01.2014 dismissed the Appeal and thereby affirmed the order dated 03.05.2011.

Being aggrieved by and dissatisfied with the aforementioned judgment and orders passed by the courts below the plaintiff filed the instant Civil Revision and obtained Rule and interim order as stated at the very outset.

It appears from record that upon an application filed by the Defendant-Opposite-Party No. 1 this Court by order dated 18.06.2014 asked the parties to maintain status-quo in relation to possession and position of the Suit Land till disposal of the Rule. In the mean time, almost 10 (ten) years have elapsed and the plaintiff-petitioners did not take any steps to either vacate the order of status-quo or for hearing the Rule.

In such facts and circumstances, I am of the opinion, ends of justice would be best served if the instant Rule is disposed of directing the parties to maintain status-quo in relation to possession and position of the Suit Land maintaining its nature and character till disposal of the Other Class Suit No. 66 of 2011 unless the trial court during trial thinks it proper to pass any order for ends of justice. The trial court is

directed to conclude the trial expeditiously keeping in mind that the original suit is of the year 2011.

Resultantly, the Rule is disposed of with the above observation and direction.

Communicate the judgment and order at once.

Ziaul Karim
Bench Officer