

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

Writ Petition No. 11223 of 2014.

IN THE MATTER OF:

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

-And-

IN THE MATTER OF:

Amirul Islam @ Amir Islam.

...Petitioner

-V E R S U S-

Government of the People's Republic of Bangladesh, represented by the Secretary, Ministry of Land and others.

.....Respondents

No one appears.

.....For the petitioner

Mr. Iqbal Kalam Chowdhury, Advocate

...For the Respondents No.5-7.

Mr. Sk. Shaifuzzaman, DAG with

Ms. Rehana Sultana, AAG and

Mr. Md. Samiul Alam Sarkar, AAG and

Ms. Zulfia Akhter, AAGs

.... For the respondents

Present:

Mr. Justice K.M. Kamrul Kader

And

Mr. Justice Khizir Hayat

Heard and Judgment On: 10.01.2024.

K. M. Kamrul Kader, J :

On an application under Article 102 of the Constitution of the People's Republic of Bangladesh this Rule Nisi was issued on 07.01.2015, in the following terms:

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the impugned judgment and decree dated 30.06.2014 and decree signed on 07.07.2014 in Land Survey Suit (LST) No.163 of 2013, passed by the Joint District Judge, and Land Survey Tribunal, Noakhali illegally decreeing the Land Survey Suit (Annexure-D and E) should not be declared to be illegal without lawful authority and is of no legal effect and/or such other or

further order or orders pass as to this Court may seem fit and proper."

This Rule Nisi was issued on the ground that the Government has not yet been established any Land Survey Appellate Tribunal under Section 145B of the SAT Act. Due to this reason, the petitioner has failed to redress his grievance by filing appeal against the order, judgment and decree passed by the concerned Tribunal.

Mr. Sk. Shaifuzzaman, learned Deputy Attorney General submits that the government has already been published Gazette for establishing Land Survey Appellate Tribunal in different districts and the petitioner of the writ petition may redress his grievance by filing appeal, before the respective Land Survey Appellate Tribunal of the respective district and as such, he prays for discharging the Rule.

It appears that in the meantime the Government has already established the Land Survey Appellate Tribunal in the respective districts vide Gazette notification dated 11.07.2023 to hear the appeal arising out of judgment and decree and/or order of the Land Survey Tribunal in different districts. Considering the facts and circumstances of the matter, we are of the view that the petitioner may redress his grievance by filing appeal, before the Land Survey Appellate Tribunal, Noakhali and as such, the Rule issued by this Court has become infructuous.

In the result, the Rule is discharged without any order as to costs. The petitioner is at liberty to prefer appeal within 03(three) months from date, if any, before the Land Survey Appellate Tribunal, Noakhali and in preferring such appeal delay occurred, if any, shall be condoned.

In the meantime, the order of *stay* granted at the time of issuance of the Rule shall continue till filling of the appeal before the Land Survey Appellate Tribunal or 03(three) months from the date of receipt of this order, whichever is earlier.

The learned Advocate for the petitioner is permitted to take back the certified copies of the annexures by substituting the Photostat copy of the same.

Communicate the judgment and order to the petitioner as well as the respective respondents at once.

Khizir Hayat, J:

I agree.