

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

**Writ Petition No. 5892 of 2015.**

In the matter of:

An application under article 102 (2) of the  
Constitution of the People's Republic of  
Bangladesh.

-And-

**In the matter of:**

Md. Mohidul Haque

..... Petitioner

-Versus-

The Government of the People's Republic of  
Bangladesh represented by the Secretary,  
Ministry of Law, Justice and Parliamentary  
Affairs and others.

.... Respondents

With

**Writ Petition No. 8354 of 2017.**

Md. Ismail Hossain

..... Petitioner

-Versus-

The Government of the People's Republic of  
Bangladesh represented by the Secretary,  
Ministry of Law, Justice and Parliamentary  
Affairs and others.

.... Respondents

Mr. Ozi Ullah with

Mr. Zafar Sadeque, Advocates

. . .For the petitioners in  
both the writ petitions.

Mr. Kazi Mynul Hassan, DAG

. . .For the respondents in  
both the writ petitions.

Present:

Mr. Justice J. B. M. Hassan  
and

Mr. Justice Razik Al Jalil

Heard on 22.04.2024 and Judgment  
on 28.04.2024.

**J. B. M. Hassan, J.**

The above mentioned writ petitions involve similar questions of laws and facts and hence we have heard the same together and are being disposed of by this common judgment.

The petitioners of the respective writ petitions obtained the Rule Nisi seeking direction upon the respondent No.4 (District Registrar, Rajshahi) to comply with the provision of rule 8 of the “দলিল লেখক (সনদ) বিধিমালা, ২০১৪” (the Rules, 2014) fixing the number of deed writers in respective Sub-registry Offices under Rajshahi District i.e for Sadar Sub-registry Office, Rajshahi (writ petition No. 5892 of 2015) and Mohanpur Sub-Registry Office, Rajshahi (writ petition No. 8354 of 2017).

Relevant facts leading to issuance of the Rules Nisi in both the writ petitions are that the petitioner of writ petition No. 5892 of 2015 is the Presidents of Rajshahi Sadar Deed writers Association and that the petitioner of writ petition No. 8354 of 2017 is the President of Mohanpur Deed writers Association. In the Sadar Sub-Registry Office, Rajshahi there are 170 deed writers having their respective licenses as reflected in the list of 2014 and that from January-2014 to December-2014, total 6000 deeds were registered under the said Sadar Sub-Registry Office.

On the other hand, there are 81 deed writers in the Mohanpur Sub-Registry Office, Rajshahi while 4223 deeds were registered in the said Sub-Registry Office in the year 2016.

Referring to the above mentioned statistics of both the Sub-Registry offices, the petitioners further state that rule-8 of the Rules, 2014 require the District Registrar to limit the license of deed writers proportionate to

execution and registration of deeds in the respective Sub-Registry Office. The petitioners of both the writ petitions as Presidents of their respective Deed writers Associations made representations on several occasions to the District Registrar, Rajshahi seeking his interference to postpone issuance of new deed writer licence in those Sub-Registry offices due to exceeding the required number of “deed writers” in accordance with rule 8 of the Rules, 2014. But there being no response, the writ petitions were filed and the Rules Nisi were issued in the respective writ petitions.

The respondents have not filed any affidavit in opposition.

Mr. Ozi Ullah, learned Advocate with Mr. Zafar Sadeque, learned Advocate for the petitioners in both the writ petitions submits that the Rules, 2014 were framed by the Inspector General of Registration and approved by the Government as delegated legislations in accordance with section 80G of the Registration Act, 1908.

He next submits that pursuant to rule 8 of the said Rules, 2014, the District Registrar shall determine and limit the number of deed writers in each Sub-Registry Office proportionate to execution and registration of deeds in that Sub-Registry, in particular, 300 deeds have to be taken for consideration for every deed writer in a year. He further submits that from the statistics obtained by the petitioners from the respective Sub-Registry Offices, it shows that the number of existing deed writers have already exceeded the required ratio as incorporated in rule 8 of the Rules, 2014. He again submits that rule 8 is a mandatory provision incorporated in the Rules, 2014 framed under section 80G of the Registration Act, 1908 and as such,

the concerned District Registrar is required to follow the said rule. In spite of several representations made before the District Registrar, Rajshahi and the Sub-Registrars there under, there is no response and as such, it is required to issue a direction upon the District Registrar to follow the rule 8 by restricting the issuance of further license in both the Sub-Registry Offices. In support of his submissions learned Advocate refers to the case of Shamsuddin Ahmad, Advocate Vs Registrar, High Court of East Pakistan reported in 19 DLR (SC) 483.

On the other hand, Mr. Kazi Mynul Hassan, learned Deputy Attorney General for the respondents contends that rule 8 of the Rules, 2014 from its language itself shows that it is a directory provision and absolutely discretion of the concerned District Registrar incorporating the word “প্র-রাজ-ন”. As such, the petitioners can not seek any direction upon the Registrar to comply the said rule.

We have gone through both the writ petitions, the relevant laws and the cited case as well as other materials on record.

From the statistics given by the petitioner in the Rajshahi Sadar Sub-Registry Office it appears that in 2014, 6000 deeds were registered while at the relevant time there were 170 deed writers in the said Sub-Registry Office. The present rule 8 of the Rules, 2014 also came into force in the year 2014. On the other hand, in the Mohanpur Sub-Registry Office in 2016 there were 81 deed writers while 4923 deeds were executed and registered under the said Sub-Registry Office. If we calculate the said statistics, in that case in

Rajshahi Sadar Sub-Registry Office each deed writer gets 35 deeds per year while in Mohanpur Sub-Registry Office each deed writer gets 60 deeds.

Now to appreciate the submission of the contending parties let us read rule 8 of the Rules, 2014 which runs as follows:

“৮। রেজিস্ট্রার কর্তৃক দলিল লেখকগ-ণর সংখ্যা নির্ধারণঃ- সাধারণত বৎস-র প্রতি ৩০০ দলি-লর জন্য একজন দলিল লেখক, এই নিয়-ম কোন বি-শষ কার্যাল-য়র প্র-য়াজ-ন রেজিস্ট্রার সেই কার্যাল-য়র দলিল লেখক-দর সংখ্যা নির্ধারণ করি-বন। ত-ব, একজন দলিল লেখক বৎস-র মোট কতটি দলিল লিখি-বন তাহার কোন সীমা নিদিষ্ট নাই।”

(Underlined)

We have also perused the cited case as referred to by the learned Advocate for the petitioners. Learned Advocate for the petitioners, particularly, has drawn our attention to paragraph-II of the said case (19 DLR (SC) 483) which runs as follows:

“11. An interpretation, which will have this effect, cannot be adopted, for, it is an universally accepted rule of construction that no words in a statute are redundant or surplusage. Meaning must be given to every word in a statute reading its provisions as a whole in a fair and impartial manner in the ordinary and general sense. Reading Article 215 in this sense we find it impossible to give it the meaning suggested by the petitioner. To accept this interpretation would amount to defeating the very purpose of this Article which is manifestly to allow English to be used for the conduct of official business until other arrangements are made.”

Pursuant to aforesaid ratio, if we read the language of the rule 8, it appears that the Registrar shall determine number of deed writers in his concerned Sub-Registry offices keeping in mind and consider that typically each deed writer gets 300 deeds in a year. But by using the words “সাধারণত”

and “প্র-য়াজ-ন” the expression of the provision has been made directory. In other words, the authority to determine such number of deed writers has been given to the concerned District Registrar and it depends on the facts and circumstances and other aspects of that particular area. Thus, on a plain reading of the aforesaid provision, we are of the view that it is not mandatory provision, rather directory and absolutely a discretion of the concerned District Registrar who shall determine the same considering all aspects prevailing in the concerned Sub-Registry Office.

Considering the above, we are not accepting the submissions of the learned Advocate for the petitioners.

Thus, the Rules Nisi fails.

In the result, the Rules Nisi issued in both the writ petitions are discharged without any order as to costs.

Communicate a copy of this judgment and order to the respondents at once.

**Razik Al Jalil, J**

I agree.