

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

**Writ Petition No.9933 of 2015.**

**In the matter of:**

Applications under article 102 of the  
Constitution of the People's Republic of  
Bangladesh.

-And-

**In the matter of:**

Md. Rafiqul Islam  
..... Petitioner

-Versus-

Bangladesh represented by the Secretary,  
Ministry of Local Government and Rural  
Development and others.

..... Respondents

With

**Writ Petition No.10237 of 2015.**

Md. Hanif  
..... Petitioner

-Versus-

Bangladesh represented by the Secretary,  
Ministry of Local Government and Rural  
Development and others.

..... Respondents

With

**Writ Petition No.10238 of 2015.**

Md. Abul Hossain  
..... Petitioner

-Versus-

Bangladesh represented by the Secretary,  
Ministry of Local Government and Rural  
Development and others.

..... Respondents

With

**Writ Petition No.10239 of 2015.**

Md. Feroj Alam  
..... Petitioner

-Versus-

Bangladesh represented by the Secretary,  
Ministry of Local Government and Rural  
Development and others.

..... Respondents

With

**Writ Petition No.10240 of 2015.**

Mohammad Alamgir

..... Petitioner

-Versus-

Bangladesh represented by the Secretary,  
Ministry of Local Government and Rural  
Development and others.

..... Respondents

Mr. Dewan Md. Abu Obyed Hossain, Advocate  
. . . . . For the petitioners  
in all the writ petitions

Mr. Kazi Mynul Hassan, DAG

.....For the respondents in all  
the writ petitions.

Present:

Mr. Justice J. B. M. Hassan

and

Mr. Justice Razik Al Jalil

Heard on 01.11.2023 and Judgment  
on 02.11.2023.

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

These 05(five) writ petitions have been filed by the respective writ petitioners challenging a common memo bearing No. ০৫.৪২.১৫০০.৫০৩.৬২.০০১.১৫-১৪১(১৪০) dated 26.07.2015 by which the respondents cancelled the licenses of these writ petitioners along with others bearing licence No. 762 of 2005, 698 of 2001, 674 of 1999, 799 of 2006 and 751 of 2005.

Facts involved in these writ petitions are being similar and identical, we have heard the same together and are being disposed of by this common judgment.

Writ petitioner of writ petition No. 10239 of 2015 was entangled in a criminal case bearing Double Mooring Model Police Station Case No. 42 dated 18.09.2012 corresponding to Special Tribunal Case No. 60 of 2013

now pending before the Metropolitan Special Tribunal No.2, Chattogram under section 25A of the Special Powers Act on the allegation that a huge forged stamps and Court Fees were recovered from his possession and others amounting to Tk. 16,35,600/-. On the other hand, the petitioner of writ petitions No. 9933 of 2015, 10237 of 2015, 10238 of 2015 and 10240 of 2015 were entangled in Double Mooring Police Station Case No. 22 dated 22.06.2009 corresponding to Special Tribunal Case No. 255 of 2009 now pending before the Metropolitan Special Tribunal No.2, Chattogram under section 25A of the Special Powers Act on the allegations that huge Revenue Stamps, Court Fees and Adhesive Stamp worth of Tk. 2,85,225/- were recovered from their possession. During pendency of the aforementioned criminal cases, the respondents issued the impugned letter cancelling petitioners' licenses which led them to file aforementioned writ petitions.

Mr. Dewan Md. Abu Obyed Hossain, learned Advocate for the petitioners in all the writ petitions precisely submits that the allegations against the petitioners are still sub-judice under the pending criminal cases and yet to be proved by conclusion of trial. But before coming to such conclusion, the impugned letter was issued cancelling their respective licenses and thereby without trial, the punishment has been imposed upon the petitioners. He further submits that the petitioners are all registered stamp vendors and they have been performing their duties and profession with reputation. But by the impugned order, their right to profession has been infringed. He again submits that although respective show cause notices were issued upon the petitioners but those were vague and contained

unspecific allegations. As such, those were not show cause notices in the eye of law and thus, arbitrarily the licenses were cancelled by the impugned order. In support of his submissions, learned Advocate refers to the case of Govt. of Bangladesh and Ors. Vs. Md. Tajul Islam reported in 5 BLT (AD) 186. He also submit that the impugned action as well as the criminal cases were initiated in violation of section 70 of the Stamp Act, 1899.

On the other hand, Mr. Kazi Mynul Hassan, learned Deputy Attorney General (DAG) appearing for the respondents contends that the petitioners were involved in selling forged stamps which is an offence under the Special Powers Act and accordingly they have been prosecuted. As such, there is no nexus between section 70 of the Stamp Act and the offence committed by the petitioners. He further contends that the license was for one year. Although it is renewable but due to petitioners' involvement in the criminal offence in selling the forged stamp, the authority did not renew the licenses and at the moment there being no force of tenure of the petitioners' licenses, the petitioners do not have any remedy under the present Rules Nisi.

We have gone through the writ petitions and other materials on record.

Admittedly all the petitioners got license under the Stamp Act, 1899. The tenure of the licenses was for one year unless it is renewed. All the petitioners got their respective licenses on different years and subsequently got renewal for every year until passing the impugned order, in the year 2015. Although in the impugned order, the respondent No.2 mentioned rule

Rules but learned DAG or the petitioners could not show us any such Rule. Section 74 of the Stamp Act although provides provision authorizing the respondents to frame Rule but from submissions of both the parties we do not find any such Rule for granting license to sell the stamp. It is admitted fact that the respondents have got authority either to renew the licenses or not as per terms of the licenses. Admittedly, the licenses of the petitioners were not renewed.

Of course the licenses are the source of livelihood of the petitioners and so in cancelling the licenses proper procedure has to be followed. In these cases, although we do not find any such rule for granting or cancelling the licenses but the authority keeping in mind about the principles of natural justice, issued show cause notice upon the petitioners requiring to explain as to initiation of the criminal cases against them. Further, it is now disputed fact that the petitioners have been entangled falsely in the criminal cases on the allegations of selling the forged stamp. Although those criminal cases have not yet been concluded but in the meantime having prima-facie case charge sheets were submitted and charges being framed, the cases are now at the stage of examination of witnesses. Therefore, at this stage we are of the view that the petitioners should not be allowed to do their profession by selling the stamp when the very allegation against them is selling forged stamp. As such, the petitioners have to wait until a positive decision in their favour in the pending criminal cases and if they succeed in the criminal cases, the respondents shall consider renewal of their licenses.

**With these observations, the Rules Nisi issued in writ petitions No. 9933 of 2015, 10237 of 2015, 10238 of 2015, 10239 of 2015 and 10240 of 2015 are disposed of.**

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

**Razik Al Jalil, *J***

I agree.