

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

**Writ Petition No. 4650 of 2013**

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. Samsuddin Ahamed  
..... Petitioner

-Versus-

Dhaka North City Corporation and others  
..... Respondents

Sherder Abul Hossain, Advocate  
...For the Petitioner

Md. Shahjahan, Advocate  
.....For the Respondent no. 4

Present:

Mr. Justice Zubayer Rahman Chowdhury  
And  
Mr. Justice Kazi Ebadoth Hossain

Date of Hearing : 27.08.2023  
29.08.2023

Date of Judgment : 30.08.2023

**Zubayer Rahman Chowdhury, J :**

On an application filed by the petitioner under Article 102(2) of the Constitution, the instant Rule was issued in the following terms:

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the respondents shall not be directed to issue allotment letter of shop in Mohakhali Kancha Bazer (aroth) or in any other market

under the respondents in favour of the petitioner pursuant to the Demand Letter vide Memo No. Bazaar/7456(1-74) dated 30.05.198 (annexure-A) and/or pass such other or further order or orders as to this Court may seem fit and proper.”

The Rule is being opposed by respondent no. 4 by filing an affidavit-in-opposition as well as two supplementary affidavits in opposition.

At the very outset of the discussion, we refer to Annexure-I of the supplementary affidavit in opposition dated 28.08.2023, filed on behalf of contesting respondent no. 4, wherefrom it appears that one Johir Uddin, son of Ibrahim, has given an undertaking in writing stating that the petitioner Md. Samsuddin Ahamed, in whose favour the allotment letter dated 30.05.1984 was issued, died in 2003.

Sherder Abul Hossain, the learned Advocate who had filed the Writ Petition in 2013 and obtained the Rule, submits that the said Johir Uddin has admitted to him that he impersonated late Samsuddin Ahamed and filed this writ petition. Mr. Abul Hossain expresses his regret for such inappropriate conduct on the part of the person name Johir Uddin and submits that the Rule should not only be discharged, but appropriate directive should be passed against the said Johir Uddin for obtaining the instant Rule by misleading the Court.

We appreciate the submission of Sherder Abul Hossain, the learned Advocate, which goes to show that he has discharged his duty as an Officer of the Court. It should be borne in mind by all concerned that the duty of a lawyer lies first to the Court and then to his client. This motto has been upheld by Sherder Abul Hossain through his conduct, for which we express our appreciation once again.

Be that as it may, in view of the position noted above, we have no option but to discharge the Rule.

In the result, the Rule is discharged.

The law enforcement Agencies are directed to initiate appropriate legal proceedings against Johir Uddin, son of Ibrahim, of 2<sup>nd</sup> S.M Roy Lane, Lalbagh, Dhaka in accordance with law for not only impersonating a dead person, but also for filing a false case before this Court.

The Dhaka North City Corporation, Ghulsan Dhaka is also directed to take steps to initiate legal proceedings against

Mr. Johir Uddin for impersonating a dead person and filing a case seeking allotment of a shop.

There will be no order as to costs.

**Kazi Ebadoth Hossain,**

I agree.