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

Writ Petition No. 11400 of 2018

In the matter of:
An application under article 102 of the Constitution of the People's Republic of Bangladesh.

AND
In the matter of:

Monir Thakur

…Petitioner

-Versus-
Government of Bangladesh and others

... Respondents

Mr. Sikder Mahmudur Razi, Advocate with
Mr. Mohammad Saiful Islam, Advocate

...For the petitioner

Mr. Tanim Khan, D.A.G. with
Dr. Mohammad Soeb Mahmud, A.A.G.

Mr. Md. Abul Hassan, A.A.G.

Mr. Sk. Naser Wahed (Shemon), A.A.G.

Mr. Md. Azadul Islam (Azad), A.A.G and

Mr. Md. Tareq Rahman, A.A.G

... For the respondents

Judgment on: 04.09.2025

Present:

Justice Sardar Md. Rashed Jahangir
And
Justice Sheikh Abu Taher

Sardar Md. Rashed Jahangir, J:

The Rule Nisi was issued on an application under article 102 of the Constitution of the People's Republic of Bangladesh on 06.09.2018, as follows:

> "এই মর্মে প্রতিপক্ষদের প্রতি কারণ দর্শানোরপূর্বক রুল নিশি জারী করা হইল, কেন অর্থ ঋণ আদালত আইন ২০০৩ এর ১২(৩) ধারার বিধান অনুযায়ী ঋণ আদায়ের ক্ষেত্রে বনধকী সম্পত্তি নিলাম বিক্রয়ের বিজ্ঞপ্তি যাহা ৩নং প্রতিপক্ষ কর্তৃক ২৮/০৮/২০১৮ইং তারিখ দৈনিক 'ইত্তেফাক' পত্রিকায় (এনেক্সার-সি) প্রকাশিত তাহার কার্যক্রম আইনসঙ্গত কর্তৃকত্ব ব্যতিরেকে এবং তাহার কোন আইনগত ভিঠত্তি নাই মর্মে ঘোষণা করা হইবে না এবং দরখাস্তকারী আর যে সকল প্রতিকার পাইতে পারে তাহারও আদেশ কেন দেওয়া হইবে না।"

Pending hearing of the Rule, all further proceedings arising out of the publication of auction notice on 28.08.2018 in the Daily 'Ittefaq' (Annexure-'C') was stayed.

A loan was sanctioned by the respondent No. 3 in favour of the petitioner for an amount of Tk.4,00,00,000/- to setting up a restaurant business on 30.05.2017 with the stipulation that the petitioner shall repay the loan under certain terms and conditions. Since the petitioner failed to repay the loan, the respondent No. 3, Standard Chartered Bank on 28.08.2018 published a notice of auction scheduled to be held on 19.09.2018 purportedly under section 12(3) of the Artha Rin Adalat Ain, 2003.

Challenging the publication of auction notice the petitioner moved before this Court and obtained the Rule together with an interim order of stay.

No one appears for either of the parties.

From the record it appears that the notice published on 28.08.2018 under the authority of section 12(3) of the Artha Rin Adalat Ain, 2003, and the auction was scheduled to be held on 19.09.2018 and after expiry of the scheduled date of auction the notice published in the Daily 'Ittefaq' on the aforementioned day lost it's effectiveness.

In view of the above, the instant writ petition has become infructuous.

Accordingly, the Rule is discharged without any order as to cost.

The interim order of stay granted at the time of issuance of the Rule is hereby recalled.

Communicate the judgment and order at once.

Sheikh Abu Taher, J:

I agree.