

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

**WRIT PETITION NO. 2492 OF 2020**

**IN THE MATTER OF:**

An Application under Article 102(1)(2)(a)(i)(ii) of the  
Constitution of the People's Republic of Bangladesh

-AND-

**IN THE MATTER OF:**

Akkas Ali and another

....Defendant-petitioners

-Versus-

The Government of the People's Republic of Bangladesh  
represented by the Secretary, Ministry of Land, Bangladesh  
Secretariat, Ramna, Dhaka-1000 and others

....Respondents

Mr. Md. Sharafatullah, Advocate

....For the Defendant-petitioners

Mr. Md. Anichur Rahman Khan, D.A.G with

Mr. Sultan Mahmood Banna, A.A.G with

Mr. Mir Moniruzzaman, A.A.G

....For the Respondents

Heard on 30.10.2025

**Judgment delivered on 04.11.2025**

**Present:**

Mr. Justice Md. Shohrowardi

And

Mr. Justice Dihider Masum Kabir

**Md. Shohrowardi, J.**

On an application filed under Article 102(1)(2)(a)(i)(ii) of the Constitution of the People's Republic of Bangladesh, Rule was issued 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 01.04.2019 (decree signed on 07.04.2019) passed by the Land Survey Tribunal (Learned Joint District Judge) Jhenaidah in Land Survey Case No.732 of 2016 decreeing the case (Annexure-C & C-1) shall not be declared to have been made without any lawful authority and is of no legal effect and/or such other or further order or orders be passed as to this Court may seem fit and proper.”

In the application, it has been stated that no appellate tribunal was established by the government following the provision made in section 145B (1) of the State Acquisition and Tenancy Act, 1950.

It appears that by the State Acquisition and Tenancy Act, 1950 (Amendment Act, 2023), the Government set up the Land Survey Appellate Tribunals in each District, empowering the District Judge to hear the appeal arising out of the judgment, decree, or order passed by the Land Survey Tribunal. Although at the time of issuance of the Rule, there was no forum to prefer an appeal against the impugned judgment and decree passed by the Land Survey Tribunal, now an alternative forum is available to the petitioners to file an appeal against impugned judgment and decree dated 01.04.2019 passed by the learned Judge, Land Survey Tribunal, Jhenaidah in Land Survey Case No. 732 of 2016 in decreeing the suit. Therefore, there is no scope to dispose of the Rule considering merit.

Since the Land Survey Appellate Tribunals have been set up by amending the said Act, the petitioners are at liberty to file an appeal against the impugned judgment and decree passed by the Land Survey Tribunal, Jhenaidah before the Land Survey Appellate Tribunal, Jhenaidah, within 3(three) months from the date.

The parties are directed to maintain the status quo regarding possession and position of the suit land till the said period of 3(three) months.

In the result, the Rule is disposed of with the above direction and observation.

However, there will be no order as to costs.

The petitioners are at liberty to take back the certified copy, substituting the photocopies thereon.

Communicate the judgment and order to the concerned Court below at once.

Dihider Masum Kabir, J.

I agree.