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

Writ Petition No. 8996 of 2024

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

AND
In the matter of:

Md. Fazlul Hoque
... Petitioner

-Versus-
Bangladesh Bank and others
... Respondents

Mr. Rusho Mosatafa, Advocate
…For the respondent Nos. 2-4

Mr. Md. Monjur Alam, D.A.G. with

Dr. Mohammad Soeb Mahmud, A.A.G.

Mr. Md. Abul Hasan, 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:14.08.2025

Present:

Justice Sardar Md. Rashed Jahangir
and
Justice Md. Abdul Mannan

Sardar Md. Rashed Jahangir, J:

On an application under article 102 of the Constitution of the People's Republic of Bangladesh, the Rule Nisi was issued on 16.07.2024 as follows:

> “Let a Rule Nisi be issued calling upon the respondent to show cause as to why the impugned notice of auction, scheduled to be held on 07.08.2024, published in the daily "Ittefaq" on 10.07.2024 by respondent No. 3 under section 12(3) of the Artha Rin Adalat Ain, 2003, as evidenced by Annexure-A, shall not be declared to have been published without any lawful authority and to be of no legal effect and/or such other or further order or orders passed as to this Court may seem fit and proper.”

No one appears for the petitioner.

Under the case in hand, the petitioner has challenged the publication of the auction notice dated 10.07.2024 in the ‘Daily Ittefaq’ by respondent No. 3 under section 12(3) of the Artha Rin Adalat Ain, 2003 for selling the mortgaged property in auction scheduled to be held on 07.08.2024. On 14.07. 2024 the writ petition has been sworn in and on 16.07.2024 upon hearing this Court was pleased to issue Rule Nisi in tandem with an interim order of stay of all further proceedings of the auction pursuant to the notice.

The respondent Nos. 2-4 by filing an affidavit-in-opposition apprised this Court that the property cannot be sold in auction due to the order of stay of this Court and the scheduled date of the auction i.e. 07.08.2024 has been expired in the meantime and as such, the impugned auction notice published on 10.07.2024 in the ‘Daily Ittefaq’ under section 12(3) of the Artha Rin Adalat Ain, 2003 has no effectiveness, consequently the Rule has become infructuous.

Considering the facts and circumstances of the case, the Rule is discharged.

No order as to cost.

The order of stay granted at the time of issuance of the Rule is hereby by recalled and vacated.

Communicate the order at once.

Md. Abdul Mannan, J:

I agree.

Obaidul Hasan/B.O.