IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(CIVIL REVISIONAL JURISDICTION)

Present:

Mr. Justice Md. Bashir Ullah

CIVIL REVISION NO. 4341 OF 2024

IN THE MATTER OF:

An application under Section 115(1) of the Code of Civil Procedure.

And

IN THE MATTER OF:

Rahul Narayan Boshak
... Petitioner.

-Vs-

Amarendra Narayan Boshak alias Amar Mitro and others
…Opposite Parties.

Mr. Md. Azahar Ullah Bhuiyan, Advocate
...For the petitioner.

None represented ... For the opposite parties.

Heard on: 28.10.2025
Judgment on: 29.10.2025

Md. Bashir Ullah, J.

This rule was issued calling upon the opposite party nos. 1-5 to show cause as to why the judgment and order dated 15.07.2024 passed by the learned District Judge, Noakhali in Miscellaneous Case No. 35 of 2024 allowing the petitioner's application filed under Section 24 of the Code of Civil Procedure transferring Land Survey Tribunal Suit No. 502 of 2014 and Title Suit No. 320 of 2010 pending in the Court of Begumgonj Senior Assistant Judge, Noakhali to the Assistant Judge

Court, Chatkhil, Noakhali for being heard analogously and simultaneously with Title Suit No. 427 of 2021, 422 of 2021 and 426 of 2021 pending in the Court of Assistant Judge, Chatkhil, Noakhali should not be set aside and/or such other or further order or orders be passed as to this Court may seem fit and proper.

At the time of issuance of the rule, the operation of the order dated 15.07.2024 passed by the learned District Judge, Noakhali in Miscellaneous Case No. 35 of 2024 was stayed for a period of 06(six) months, which was lastly extended on 19.05.2025 for another period of 06(six) months.

Facts leading to the issuance of the Rule, in brief, are that one Amarendro Narayan Bosak @ Amar Mitro and four others filed Miscellaneous case No. 35 of 2024 under Section 24 of The Civil Procedure Code praying for transfer of Land Survey Tribunal (L.S.T.) Suit No. 502 of 2010 pending in the Tribunal and Title Suit No. 320 of 2010 pending in the Assistant Judge Court, Chatkhil, Noakhali for being heard analogously and simultaneously with Title Suit No. 427 of 2021, 422 of 2021 and 426 of 2021 pending in that Court. The case of the petitioners is that the parties in all these suits are substantially the same and are contesting several civil suits in different courts concerning land recorded under MRR Khatian Nos. 104 and 154 and District Survey Khatian Nos. 116 and 169 under Mouza Mokilla,

Police Station Begumgonj, District Noakhali. The petitioners as plaintiffs instituted Title Suit No. 427 of 2021 for declaration of title against the opposite party nos. 1-27 which is pending before the learned Assistant Judge, Chatkhil and was fixed on 30.09.2024 for final hearing. Subsequently, petitioner nos. 4 and 5 as plaintiff instituted Title Suit no. 422 of 2021 for declaration of title against petitioner nos. 1, 2 and 3 and opposite party nos. 1-27 which was fixed on 30.09.2024 for framing of issues. Another Partition Suit no. 426 of 2021 was filed before the same Court, against petitioner nos. 1-4 and also fixed on 30.09.2024 for framing of issues. On the other hand, the opposite party as plaintiff instituted Title Suit No. 320 of 2010 for declaration of title in respect of the same property which is pending before the learned Senior Assistant Judge Court, Begumgonj, Noakhali, and was fixed on 11.08.2024 for S.D. Another case, Land Survey Tribunal (LST) Suit no. 502 of 2014 was filed by the opposite party no. 7 as plaintiff wherein the petitioner nos. 36 made as defendant alongwith opposite party nos. 1-4 which is pending before the learned Senior Assistant Judge Court, Begumgonj, Noakhali and was fixed on 28.07.2024 for trial.

It is contended that the above-mentioned suits involve the same land and documents and are under trial in different courts of Noakhali. Consequently, there is a risk of multiplicity of proceedings,

harassment of parties, increased costs, and conflicting judgments, which may lead to further complexity and obstruction of justice. Therefore, it was prayed that all the suits be tried analogously in one court in the interest of justice.

Upon hearing, the learned District Judge, Noakhali allowed the application under Section 24 of the Civil Procedure Code and transferred the LST Suit No. 502 of 2014 pending in the Tribunal and Title Suit No. 320 of 2010 pending in the Court of Begumgonj Senior Assistant Judge to the Court of the Assistant Judge, Chatkhil, Noakhali for being heard analogously and simultaneously with Title Suit No. 427 of 2021, 422 of 2021 and 426 of 2021.

Being aggrieved by and dissatisfied with the judgment and order dated 15.07.2024 passed by the learned District Judge, Noakhali the petitioner preferred this Civil Revision and obtained Rule and order of stay.

Mr. Md. Azahar Ullah Bhuiyan, the learned Advocate for the petitioner submits that the opposite parties, by suppressing material facts filed and moved Miscellaneous Case No. 35 of 2024 under Section 24 of the Code of Civil Procedure for transferring LST Suit No. 502 of 2014 pending before Tribunal along with Title Suit No. 320 of 2010 pending before the learned District Judge Court, Noakhali

on 15.07.2024 and obtained *ex parte* order on the same day by practicing fraud upon the said Court.

He next submits that the Ministry of Law, Justice and Parliamentary Affairs, Law and Justice Division, Justice Section-4 by Memo No. 10.00.0000.128.15.001.20-478, dated 01.11.2023 empowered Senior Assistant Judge and Assistant Judges to act as Additional Land Survey Tribunal in respect of LST suits for early disposal of the suits and authorized the Land Survey Tribunal to transfer the pending Case accordingly. Pursuant to this LST Suit No. 502 of 2014 was transferred to the Senior Assistant Judge Court, Begumgonj and Land Survey Tribunal, Noakhali (Additional). The opposite parties neither sought any transfer of the said LST Suit nor challenged the said transfer order dated 06.11.2023 before the Land Survey Appellate Tribunal.

Mr. Bhuiyan further contends that under the law, the learned District Judge has no jurisdiction to interfere with the judgment or order of the Land Survey Tribunal, as the Government has established separate Land Appellate Tribunals for such matters. Therefore, the learned District Judge, Noakhali acted without lawful authority in entertaining and allowing Miscellaneous Case No. 35 of 2024 and transferring L.S.T. Suit No. 502 of 2014.

The learned Counsel also contends that the Miscellaneous Case was filed with an application seeking dispensation of Service of Notice upon the respondents Nos. 5, 6, 8, 11, 13, 17, 19-21, 25-37, 39-94, 101-106 and 112 marking them as 'Non- Appearing and Non-Contesting' although the petitioner is the plaintiff in the Land Survey Tribunal Suit and is actively contesting all the suits including Title Suit No. 320 of 2010. Hence, the learned District Judge erred in allowing the Miscellaneous Case *ex parte* and transferring the cases as prayed for. With those submissions the learned counsel finally prays for making the Rule absolute.

Despite service, no one appears on behalf of the opposite parties to oppose the Rule.

I have heard the learned Advocate for the petitioner, perused the revisional application, the impugned order and other materials on record.

It appears from the record that Land Survey Tribunal Suit No.502 of 2014 is pending before the Senior Assistant Judge Court, Begumgonj and Land Survey Tribunal, Noakhali (Additional). Nevertheless, the learned District Judge, Noakhali transferred the suit to Assistant Judge Court, Chatkhil, Noakhali for being heard analogously and simultaneously with other civil suits. Such transfer is patently without jurisdiction as a Land Survey Tribunal Suit cannot be transferred to a civil court created under the Civil Courts Act.

A Land Survey Tribunal is constituted under the special provisions of the State Acquisition and Tenancy Act, 1950 for adjudicating disputes relating to the correctness of the last revised record of rights and ensuring accuracy in land records. The transferee Court cannot hear a Land Survey Tribunal Suit with ordinary civil suits analogously or simultaneously because transferee Court has no jurisdiction to hear the matter relating to LST suit and the jurisdiction of Land Survey Tribunal is limited and exclusive to adjudicating disputes arising from the final publication of the record-of-rights, and civil courts are expressly barred from hearing these matters. Matters that are not related to the record-of-rights must be handled by a civil court, but any case that is a "suit arising out of the final publication of the last revised record-of-rights" will be transferred to the Tribunal, which has exclusive jurisdiction over those cases under Section 145 of State Acquisition and Tenancy Act. Once a case falls under the Tribunal's jurisdiction, civil courts cannot hear that specific matter. If a civil court already has a case arising from the final record-of-rights, it will be transferred to the Land Survey Tribunal once it is established. Other disputes on title that are not connected to the final record-of-rights can be heard by civil courts, while the Land Survey Tribunal handles its specific mandate.

The land Survey Tribunal is not a civil court subordinate to the District Judge and hence, the learned District Judge, Noakhali has no

authority to transfer such a suit under section 24 of the Code of Civil Procedure.

Given the facts and circumstances of the case, I do not find any shred of substance in the impugned order which is liable to be set aside. I am of the view that the Rule succeeds on merit.

In the result, the Rule is made absolute, however, without any order as to costs.

The impugned judgment and order dated 15.07.2024 passed by the learned District Judge; Noakhali in Miscellaneous Case No. 35 of 2024 is hereby set aside.

The order of stay granted earlier by this court at the time of issuance of the Rule stands recalled and vacated.

Let a copy of this Judgment be communicated to the concerned Court forthwith.