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

WRIT PETITION NO. 9758 of 2020

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. Habibur Rahman
....Petitioner
-Versus-
Land Survey Tribunal, Netrokona and others
....Respondents
No one appears.
....For the petitioner
Mr. Md. Anichur Rahman Khan, D.A.G with
Mr. Sultan Mahmood Banna, D.A.G with
Mr. Mir Moniruzzaman, A.A.G with
Mr. Md. Saruwar Alam Khan, A.A.G
....For the Respondents
Heard on 12.11.2025
Judgment delivered on 12.11.2025

Present:

Mr. Justice Md. Shohrowardi
And
Mr. Justice Dihider Masum Kabir

Md. Shohrowardi, J.

On an application filed under Article 102 of the Constitution of the People's Republic of Bangladesh, Rule Nisi was issued in the following terms:-

> "Let a Rule Nisi be issued calling upon the respondents to show cause as to why the Judgment and Decree dated 24.07.2017 (decree signed on 13.08.2017) passed by the Land Survey Tribunal, Netrokona in Land Survey Case No. 5594 of 2014 decreeing the Suit (Annexure-"B & B(1)'' to the Writ petition), should not be declared illegal, irregular and without any lawful authority and as to why B.R.S. record should not be prepared in the name of the petitioner and/or pass such other or further order or orders as to this Court may seem fit and proper."

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 petitioner to file an appeal against impugned judgment and decree dated 24.07.2017 passed by the Land Survey Tribunal, Netrokona in Land Survey Case No. 5594 of 2014 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 petitioner is at liberty to file an appeal against the impugned judgment and decree passed by the Land Survey Tribunal, Netrokona before the Land Survey Appellate Tribunal, Netrokona, within 3(three) months from the date.

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

However, there will be no order as to costs.

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

Dihider Masum Kabir**, J.**

I agree.