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IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. 10190 OF 2012

IN THE MATTER OF:

An application under Article 102(1) and (2)(a)(ii) of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

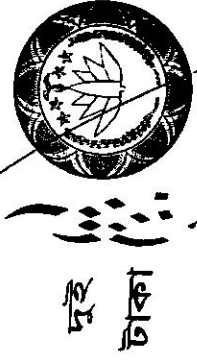
1. Md. Jahangir Alam, son of late Md. Jobed Ali Pathan, President, Bangladesh Assistant Settlement Officers Welfare Association, Dhaka Unit at present serving as Assistant-Settlement officer, Upazilla Settlement office, Dhamrai, under Zonal Settlement office Dhaka and others.

.....Petitioners

-VERSUS-

1. Government of Bangladesh represented by Secretary, Ministry of land Bangladesh Secretariat Bhaban, under Police Station-Shabagh, Dhaka.
2. Additional Secretary, Ministry of Land, having his office at Bangladesh Secretariat Bhaban, under Police Station-Shabagh, Dhaka.
3. Joint Secretary (law), Ministry of Land, having his office at Bangladesh Secretariat Bhaban, under Police Station-Shabagh, Dhaka.
4. Director (Land records), Directorate of Land Records and Surveys, having his office situated Shatraster More, Tejgaon, Dhaka-1208.
5. Land Reforms Board, Government of Bangladesh represented by its member, having his office situated Motijheel Commercial Area, Dhaka.
6. Additional Divisional Commissioner (Revenue), Commissioner Building, Shegun bagicha, Dhaka.
7. Additional Deputy Commissioner (Revenue), Collectorate building, P.S. Katwaly, District-Dhaka.

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8. Deputy Secretary (law) Ministry of land, having his office at Bangladesh Secretariat Bhaban, under Police Station-Shabagh, Dhaka.
9. Senior Assistant Secretary Ministry of land, section-2, having his office at Bangladesh Secretariat Bhaban, under Police Station-Shabagh, Dhaka.
10. Director General, Directorate of Land Records and Surveys, having his office situated Shat raster More, Tejgaon, Dhaka-1208.
11. Mr. Omrito Barroy, Director (Land Records) of the office of Directorate of Land Records and Surveys at Shatraster More, Tejgaon, Dhaka-1208.
12. Mr. A.B.M. Fazlur Rahman Deputy Director (Settlement operation-1), Directorate of Land Records and Surveys; having his office situated Shatraster More, Tejgaon, Dhaka-1208.
13. Mr. Md. Saleh Uddin, Deputy Director (Settlement operation-2), Directorate of Land Records and Surveys, having his office situated Shatraster More, Tejgaon, Dhaka-1208.
14. Deputy Commissioner, Dhaka having his office at Collectorate building, P.S. Katwaly, District-Dhaka.
15. Mr. Md. Abdul Kuddus, Assistant Settlement Officer, Zonal settlement Office, Tegaon, Dhaka-1208.
16. Mr. Md. Shamsul Alam, Zonal, Settlement Officer, Zonal Settlement Office, Tegaon, Dhaka-1208:
17. Mr. Md. Ruhul Amin, Charge Officer, Zonal Settlement Office, Tegaon, Dhaka-1208
18. Mr. Md. Khalilur Rahman, Charge Officer, Directorate of Land Records and Surveys, having his office situated Shatraster More, Tejgaon, Dhaka-1208.
19. Mr. Md. Mosharof Hossain, Assistant Settlement Officer, Zonal settlement Office, Tegaon, Dhaka-1208.

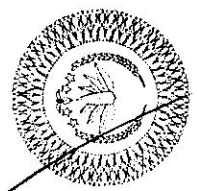
AND

-----Respondents

IN THE MATTER OF:

Office order bearing Memorandum No 31 036 022 00 00 221 0010

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বাংলা
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Secretary section 2 of the Ministry of Land of the Government of Bangladesh forming a 7 members committee with the respondent Nos.2-8, for investigating into the finally published and gazetted Khatians of 191 Mouzas under the Dhaka City Survey (Annexure-D) for the purpose of upholding/canceling thereof and the report dated 22.05.2012 submitted by the said committee consisted with the aforesaid respondent Nos.2 to 8 (Annexure-E).

AND

IN THE MATTER OF:

Office order bearing Memorandum dated 26.01.2012 issued by the respondent No.10: the Director General of the Directorate of Land Records and Surveys forming two committees one consisting of respondent Nos.11-15 and another consisting of respondent Nos.16 to 19 for investigating and find cut the irregularities of the officials engaged in preparing and publishing the record of rights, for taking action against them by starting departmental proceeding as well as by starting cases under anti-corruption law (Annexure-F).

Present:

Mr. Justice Mirza Hussain Haider.

And

Mr. Justice Abdur Rob

The 12th day of April, 2015

Mr. Md. Khalilur Rahman (Helal), Advocate.....for the petitioner.

Let the stay and order of restrain both granted earlier by this court be extended for a further period of 6(six) months from date.

M. H. Haider.

Abdur Rob

Type by: Nurun Nahar
26.04.2015
26/04/15

স্বাক্ষরিত অধিবক্তা

The 31st day of July, in the year two thousand Twelve.

Present:

Mr. Justice Mirza Hussain Haider,

And

Mr. Justice Kazi Md. Ejazul Haque Akondo

IN THE MATTER OF:

1. Md. Jahangir Alam, son of late Md. Jobed Ali Pathan, President, Bangladesh Assistant Settlement Officers Welfare Association, Dhaka Unit at present serving as Assistant-Settlement officer, Upazilla Settlement office, Dhamrai, under Zonal Settlement office Dhaka and others.Petitioners.

-Versus-

1. Government of Bangladesh represented by Secretary, Ministry of land Bangladesh Secretariat Bhaban, under Police Station-Shabagh, Dhaka and others.Respondents.

To

1. Government of Bangladesh represented by Secretary, Ministry of land Bangladesh Secretariat Bhaban, under Police Station-Shabagh, Dhaka.
2. Additional Secretary, Ministry of Land, having his office at Bangladesh Secretariat Bhaban, under Police Station-Shabagh, Dhaka.
3. Joint Secretary (law), Ministry of Land, having his office at Bangladesh Secretariat Bhaban, under Police Station-Shabagh, Dhaka.
4. Director (Land records), Directorate of Land Records and Surveys, having his office situated Shatraster More, Tejgaon, Dhaka-1208.
5. Land Reforms Board, Government of Bangladesh represented by its member, having his office situated Motijheel Commercial Area, Dhaka.
6. Additional Divisional Commissioner (Revenue), Commissioner Building, Shegun bagicha, Dhaka.
7. Additional Deputy Commissioner (Revenue), Collectorate building, P.S. Katwaly, District- Dhaka.
8. Deputy Secretary (law) Ministry of land, having his office at Bangladesh Secretariat Bhaban, under Police Station-Shabagh, Dhaka.
9. Senior Assistant Secretary Ministry of land, section-2, having his office at Bangladesh Secretariat Bhaban, under Police Station-Shabagh, Dhaka.
10. Director General, Directorate of Land Records and Surveys, having his office situated Shatraster More, Tejgaon, Dhaka-1208.
11. Mr. Omrito Barroy, Director (Land Records) of the office of Directorate of Land Records and Surveys at Shatraster More, Tejgaon, Dhaka-1208.
12. Mr. A.B.M. Fazlur Rahman Deputy Director (Settlement operation-1), Directorate of Land Records and Surveys; having his office situated Shatraster More, Tejgaon, Dhaka-1208.
13. Mr. Md. Saleh Uddin, Deputy Director (Settlement operation-2), Directorate of Land Records and Surveys, having his office situated Shatraster More, Tejgaon, Dhaka-1208.
14. Deputy Commissioner, Dhaka having his office at Collectorate building, P.S. Katwaly, District- Dhaka
15. Mr. Md. Abdul Kuddus, Assistant Settlement Officer, Zonal settlement Office, Tegaon, Dhaka-1208.
16. Mr. Md. Shamsul Alam, Zonal, Settlement Officer, Zonal Settlement Office, Tegaon, Dhaka-1208:
17. Mr. Md. Ruhul Amin, Charge Officer, Zonal Settlement Office, Tegaon, Dhaka-1208
18. Mr. Md. Khalifur Rahman, Charge Officer, Directorate of Land Records and Surveys, having his office situated Shatraster More, Tejgaon, Dhaka-1208.
19. Mr. Md. Mosharof Hossain, Assistant Settlement Officer, Zonal settlement Office, Tegaon, Dhaka-1208.

Whereas the petition above ment oned has been preferred by the petitioner above named to this court against Office order bearing Memorandum No.31.036.033.00.00.221.2010-409(7) dated 27.07.2011 issued under the signature of respondent No.9, Senior Assistant Secretary section 2 of the Ministry of Land of the Government of Bangladesh forming a 7 members committee with the respondent Nos.2-8, for investigating into the finally published and gazetted Khatians of 191 Mouzas under the Dhaka City Survey (Annexure-D) for the purpose of upholding/canceling thereof and the report dated 22.05.2012 submitted by the said committee consisted with the aforesaid respondent Nos.2 to 8 (Annexure-D). And Office order

Directorate of Land Records and Surveys forming two committees one consisting of respondent Nos. 11-15 and another consisting of respondent Nos. 15 to 19 for investigating and find out the irregularities of the officials engaged in preparing and publishing the record of rights, for taking action against them by starting departmental proceeding as well as by starting cases under anti-corruption law (Annexure-F).

The supplementary affidavit do form part of the main application. The prayer of the Writ Petition be replaced by the prayer as stated in paragraph 2 of the supplementary affidavit.

Now upon hearing Mr. Md. Khalilur Rahman with Mr. Md. Khalilur Rahman (Hela), Advocates, Advocate for the petitioner Mr. Al Amin Sarker, DAG. For the respondents and upon consideration of the said petition this court doth order and do issue a rule Nisi calling upon you the aforesaid respondents to show cause on or before the 28th day of August, 2012 as to why constituting a 7(seven) members committee comprising of Respondents No.2 to 8 under Memo No.31.036.033.00.00.221.2010-109(7) dated 27.07.2011 (Annexure-D) issued under the signature of Respondent No.9 for investigating the finally published Dhaka City Survey Record of Rights in respect of 191 mouzes to ascertain the genuinity of such publication and to uphold/cancel the same; and the report of the said committee dated 22.5.2012 (Annexure-E); and also the office order under Memo No: 4/08/2011/83 dated 26.1.2012 issued by Respondent No.10 (Annexure-F) forming two committees to investigate the alleged irregularities of the officials engaged in preparing and finally publishing the said record of rights, and thereby taking departmental actions against the petitioner and/or to initiate criminal cases under the Anti Corruption Law; shall not be declared to have been done/issued without lawful authority and of no legal effect and why the respondents shall not directed not to interfere with the quasi-judicial functions of the field level officers engaged in preparing and finally publishing the Record of Rights under the provisions of State Acquisition and Tenancy Act 1950 and Tenancy Rules 1955, in any manner, whatsoever, other than under the provisions of the aforesaid Act and Rules and/or pass such other or further order or orders as to this Court may seem ill and proper.

Pending hearing of the Rule let operation of the office order dated 26.01.2012 (Annexure-F) be stayed for a period of 01(four) months from date.

In the meantime, the respondents are hereby restrained from giving effect to the recommendations made vide report dated 22.5.2012 (Annexure-E) and the said respondents are also restrained from interfering with the quasi-judicial functions of the field level non cadre officers/employees engaged in preparing and publishing the record of rights under the State Acquisition and Tenancy Act 1950 and Tenancy Rules, 1955 for a period of 01(four) months from date.

Let this Rule be served upon the respondents in usual course and also by registered post, immediately on two sets of requisites being put in by me petitioner within 72 hours.

Witness: Mr. Justice Md. Muzammel Hossain the Hon'ble Chief Justice of Bangladesh at Dhaka this the 31st day of July, in the year two thousand Twelve.

Type by: Nurun Nahar
05.08.2012

Read by: *[Signature]*
Exd. by: *[Signature]*
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[Signature]
Superintendent
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Assistant Registrar
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