

৬২/২৪

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(SPECIAL ORIGINAL JURISDICTION)  
WRIT PETITION No. 5866 of 2024

| স্থানীয় সরকার বিভাগ<br>সচিবের দপ্তর |  |
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| ১) প্রশাসন                           | ১) জরুরি পেশ করণ<br>২) পেশ করণ<br>৩) নুসিভে রাখণ |
| ২) নগর উন্নয়ন                       |  |
| ৩) উন্নয়ন                           |  |
| ৪) পানি সরবরাহ (পান)                 |  |
| ৫) উপজেলা প্রশাসনা                   |  |
| ৬) ইউনিয়ন প্রশাসনা                  |  |
| ৭) অডিট প্রশাসনা                     |  |
| ৮) আয়স্ব-কমিশনার                    |  |
| অতিরিক্ত সচিব                        | স্মারক নং.....                                   |
| ১) মহাপরিচালক                        | তারিখঃ ২৭/৫/২৪                                   |
| ২) যুগ্মসচিব                         |  |
| ৩) যুগ্মসচিব (পরিকল্পনা)             |  |

The 20<sup>th</sup> Day of May, in the year of two thousand twenty four.

Present:

Ms. Justice Naima Haider  
And  
Ms. Justice Kazi Zinat Hoque  
AND

| স্থানীয় সরকার বিভাগ<br>যুগ্মসচিব (আইন) অধিশাখা |  |
|---|--|
| ১। আইন-১  | ১। জরুরি পেশ করণ<br>২। পেশ করণ<br>৩। নুসিভে রাখণ |
| ২। আইন-২  |  |
| ২৬০৭  |  |
| নম্বর.....                                      | স্মারক   |
| তারিখঃ ২৬/৫/২৪                                  |  |

IN THE MATTER OF:

Feroz Uddin Ahamed Jewel, Ward Councilor for Ward No. 9 of the Sherpur Pouroshabha, Bogura, son of late Entaz Ali Khandaker, of village: Khandakerpara, Sherpur Pouroshabha, Sherpur, Bogura

.....petitioner

-VERSUS-

Government of Bangladesh represented by the Secretary, Ministry of Commerce, Bangladesh Secretariat, Shahbag, Dhaka- 1000 and Others

.....Respondents

| স্থানীয় সরকার বিভাগ<br>আইন-১ অধিশাখা |    |
|---------------------------------------|----|
| স্মারক নং.....                        | ৬০ |
| তারিখঃ ২৭/৫/২৪                        |    |

To,

1. Bangladesh, represented by the Secretary, Ministry of Local Government, Rural Development and Co-operatives, Local Government Division, Bangladesh Secretariat, Ramna, Dhaka.
2. The Deputy Secretary, Local Government Division, Pouro-1 section, Ministry of Local Government, Rural Development and Co-operatives, Bangladesh Secretariat, Ramna, Dhaka.
3. The Divisional Commissioner, Rajshahi Division, Rajshahi
4. The Deputy Commissioner, Bogra, Office of the Deputy Commissioner, Bogura
5. Upazilla Nirbahi Officer, Sherpur Upazilla, District: Bogura.

Whereas the petition abovementioned has been preferred by the petitioner above named to this Court against. Impugned Memo No. 46.00.0000.063.27.006.23-619 dated 12.05.2024 (Annexure- C) issued by the respondent No. 2 temporarily suspending the petitioner from the post of Ward Councilor for Ward No. 9 of the Sherpur Pouroshabha, Bogura under section 31(1) of the Local Government (Pouroshabha) Ain, 2009 AND Memo No. 46.00.0000.063.27.006.23-618 dated 12.05.2024 issued under the signature of the respondent No. 2 (Annexure- D) AND Section 31(1) of the Local Government (Pouroshabha) Ain, 2009.

This is an application filed by the petitioner under Article 102 of the Constitution, challenging impugned Memo No. 46.00.0000.063.27.006.23- 619 dated 12.05.2024 (Annexure-C) issued by the respondent No.2 temporarily suspending the petitioner from the post of Ward Councilor for Ward No.9 of the Sherpur Pouroshabha, Bogura under section 31(1) of the Local Government (Pouroshabha) Ain, 2009 and memo no. 46.00.0000.063.27. 006.23-618 dated 12.05.2024 issued under the signature of the respondent no.2 (Annexure-D).

Heard the learned Advocate for the petitioner and perused the application filed by him.

| স্থানীয় সরকার বিভাগ<br>আজির সচিব |      |
|-----------------------------------|------|
| নম্বর.....                        | ২৬০৭ |
| তারিখঃ ২৭/৫/২৪                    |      |

It appears that the allegation against the petitioner is that the concerned shops adjacent to the Dhunot junction bus terminal were allotted by the former Mayor of the Sherpur Pouroshabha, Abdus Sattar, and salami was collected by the said Mayor from the lessees on 17.11.2020. The lease money for the land in question was collected by the former mayor of the pouroshabha, the petitioner had made an application dated 14.05.2024 to the respondent No.2 to rescind the order of suspension. So far the allegations in the impugned order of temporary suspension, this Court is of view since no notice was served upon the petitioner and no show cause notice was served upon the petitioner asking reason against the allegation so made in the impugned order of suspension and we relied on the decision reported in the case of Sultan Mahmud vs Bangladesh, 14 BLC (2009), we are inclined to intervene into the matter and issue Rule and pass an interim order under the following terms

Now upon hearing, Mr. A.M. Mahbub Uddin Khokon, Senior Advocate for the petitioner Mr. Amit Das Gupta, DAG with Mr. Md. Taufiq Sajawar Partho, AAG Mr. Rashedul Islam, AAG 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 17<sup>th</sup> Day of June, 2024 as to why the impugned Memo No. 46.00.0000.063.27.006.23-619 dated 12.05.2024 (Annexure-C) issued by the respondent NO. 2 temporarily suspending the petitioner from the post of Ward Councilor for Ward No.9 of the Sherpur Pouroshabha, Bogura under section 31(1) of the Local Government (Pouroshabha) Ain, 2009 and Memo No. 46.00.0000.063.27.006.23-618 dated 12.05.2024 issued under the signature of the respondent No.2 (Annexure-D) should 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 order passed as to this court may seem fit and proper.

Pending hearing of the Rule, let the operation of the impugned Memo dated 12.05.2024 (Annexure-C) issued by the respondent No. 2 temporarily suspending the petitioner from the post of Ward Councilor for Ward No.9 of the Sherpur Pouroshabha, Bogura and Memo No.46.00.0000. 063.27.006.23- 618 dated 12.05.2024 issued under the signature of the respondent No. 2 (Annexure-D) be stayed for a period of 6 (six) months from date.

In the mean time, the respondents. are directed to allow the petitioner to function as Ward Councillor for Ward No.9 of the Sherpur Pouroshabha, Sherpur, Bogura. The petitioner is directed to put in requisites for service of notice upon the respondents through registered post and in usual course.

Witnesses Mr. Justice Obaidul Hassan, the Hon'ble Chief Justice of Bangladesh on this the 20<sup>th</sup> Day of May, in the year of two thousand twenty four.

Typed by: Withun: 21.05.2024

Read by: 21.5.24

Exam by: 21.05.24

Readied by:

23.05.24  
Superintendent

23.05.2024  
Assistant Registrar.

23.05.24



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

WRIT PETITION No. 5868 of 2024

The 20<sup>th</sup> Day of May, in the year of two thousand twenty four.

Present:

Ms. Justice Naima Haider

And

Ms. Justice Kazi Zinat Hoque

AND

IN THE MATTER OF:

Md. Jane Alam Khoka, Mayor (temporarily suspended), Sherpur Pouroshabha, Bogura, son of Gaziur Rahman, c  
village: Town Coloni, Sherpur, Bogura

.....petitioner

-VERSUS-

Bangladesh, represented by the Secretary, Ministry of Local Government, Rural Development and Co-operatives, Local  
Government Division, Bangladesh Secretariat, Ramna, Dhaka and Others

.....Respondents

To,

1. Bangladesh, represented by the Secretary, Ministry of Local Government, Rural Development and Co-operatives, Local Government Division, Bangladesh Secretariat, Ramna, Dhaka.
2. The Deputy Secretary, Local Government Division, Pouro-1 section, Ministry of Local Government, Rural Development and Co-operatives, Bangladesh Secretariat, Ramna, Dhaka.
3. The Divisional Commissioner, Rajshahi Division, Rajshahi
4. The Deputy Commissioner, Bogra, Office of the Deputy Commissioner, Bogura
5. Upazilla Nirbahi Officer, Sherpur Upazilla, District: Bogra.

Whereas the petition abovementioned has been preferred by the petitioner above named to this Court against the impugned Memo No. 46.00.0000.063.27.006.23-615 dated 12.05.2024 (Annexure- E) issued by the respondent No. 2 temporarily suspending the petitioner from the post of Mayor of Sherpur Pouroshabha, Bogura under section 31(1) of the Local Government (Pouroshabha) Ain, 2009 AND Memo No. 46.00.0000.063.27.006.23-614 dated 12.05.2024 issued under the signature of the respondent No. 2 (Annexure- F) AND Section 31(1) of the Local Government (Pouroshabha) Ain, 2009

Now upon hearing, Mr. A.M. Mahbub Uddin Khokon, Senior Advocate for the petitioner Mr. Amit Das Gupta, DA with Mr. Md. Taufiq Sajawar Partho, AAG Mr. Rashedul Islam, AAG 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 17<sup>th</sup> Day of June, 2024 as to why the impugned Memo No. 46.00.0000.063.27.006.23-615 dated 12.05.2024 (Annexure-E) issued by the respondent No. 2 temporarily suspending the petitioner from the post of Mayor of Sherpur Pouroshabha, Bogura under section 31(1) of the Local Government (Pouroshabha) Ain, 2009 and Memo No. 46.00.0000.063.27.006.23-614 dated 12.05.2024 issued under the signature of the respondent No.2 (Annexure-F) should 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 order passed as to this court may seem fit and proper.

Pending hearing of the Rule, let the operation of the Memo dated 12.05.2024 (Annexure-E) issued by the respondent No. 2 temporarily suspending the petitioner from the post of Mayor of Sherpur Pouroshabha, Bogura and Memo No.46.00.0000.063.27.006.23-614 dated 12.05.2024 issued under the signature of the respondent No. 2 (Annexure-F) be stayed for a period of 6 (six) months from date.

In the mean time, the respondents are directed to allow the petitioner to function as Mayor of Sherpur Bogura Pouroshabha, Sherpur,

The petitioner is directed to put in requisites for service of notice upon the respondents through registered post and usual course.

Witnesses Mr. Justice Obaidul Hassan, the Hon'ble Chief Justice of Bangladesh on this the 20<sup>th</sup> Day of May, in the year of two thousand twenty four.

23.05.24  
Superintendent

23.05.2024  
Assistant Registrar

Typed by: M. H. M. 21.05.2024

Read by: M. H. M. 21.05.24

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| স্থানীয় সরকার বিভাগ<br>সচিবের দপ্তর |                      |
| ১) অতিরিক্ত সচিব                     | ১) প্রশাসন           |
| ২) মহাপরিচালক                        | ২) নগর উন্নয়ন       |
| ৩) যুগ্মসচিব                         | ৩) উন্নয়ন           |
| ৪) যুগ্মসচিব (পরিকল্পনা)             | ৪) পানি সরবরাহ (পান) |
|                                      | ৫) উপজেলা অধিশাখা    |
|                                      | ৬) ইউপি অধিশাখা      |
|                                      | ৭) অডিট অধিশাখা      |
|                                      | ৮) আইস অধিশাখা       |
| ডায়েরি নং: ২৩৫৭৮                    |                      |
| তারিখ: ২৩/০৫/২৪                      |                      |