

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

Present:

Mr. Justice Zafar Ahmed

Civil Revision No. 2972 of 2017

Farid Uddin Dulal

..... Plaintiff-appellant-petitioner

-Versus-

District Registrar, Brahmanbaria and others

.... Opposite parties

Mr. Md. Sarwer Hossain Bayazid, Advocate

..... For petitioner

Mr. Md. Aminul Islam Khan, Advocate

.... For opposite party No. 1

Heard on: 24.10.2024 and 30.10.2024

Judgment on: 07.11.2024

The present petitioner as plaintiff filed Title Suit No. 32 of 2015 in the Court of Assistant Judge, Akhaura, Brahmanbaria impleading the present opposite parties as defendants for a mandatory injunction directing the defendant No. 1 (District Registrar, Brahmanbaria) to lease out the suit land measuring 02.06 decimals of land temporarily in his favour pursuant to a memo No. Bichar-2 (U:) 1 A-2/2009-222 dated 08.12.2011 issued by the Ministry of Law, Justice and Parliamentary Affairs. The suit was dismissed by the trial Court on contest. The plaintiff filed Title Appeal No. 121 of 2015 which was heard and disposed by the learned Joint District Judge, 2nd

Court, Brahmanbaria who dismissed the appeal on contest and hence, the instant revision.

The defendant-opposite party No. 1 (District Registrar, Brahmanbaria) entered appearance in the Rule.

I have heard the learned Advocates of both sides and perused the materials on record.

Admittedly, the plaintiff was a year-to-year lessee of the suit land. The land was lastly leased out in favour of the plaintiff in the year 2001 and the tenure of the same was not renewed. The instant suit was filed on 22.11.2013. Therefore, on the date of filing the suit, the plaintiff had no right whatsoever in the suit land. The trial Court scrutinized the evidence on record and found that the suit land has been permanently settled in favour of the defendant No. 1 and that defendant No. 1 is in possession of the same.

The learned Advocate appearing defendant-opposite party No. 1 refers to the case of *Dewan Shamsul Abedin vs. Government of Bangladesh and others*, 13 MLR (AD) 163 and submits that since the plaintiff has no legal character as to title and possession in the suit property, the instant suit for mandatory injunction was rightly dismissed by the Courts below.

Since the plaintiff was a year-to-year lessee of the suit land and the tenure of the same had expired, he has no legal character or right

to file the suit. Both the Courts below, on proper appreciation of facts and law, rightly dismissed the suit. Accordingly, the Rule fails.

In the results, the Rule is discharged.

Send down the LCR.