

629/22

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

Writ PETITION No. 15411 of 2022

The 11<sup>th</sup> day of December, in the year of two thousand twenty two.

Present:

Mr. Justice Md. Khasruzzaman

And

Mr. Justice Md. Iqbal Kabir

IN THE MATTER OF:

Md. Monsurul Islam (Danu), son of late Alhaj Makbul Hossain and Mst. Rezia Khatun, of Village-Choto Rawta, Chikon Mati, Post Office- Domar-5340, Police Station-Domar, District-Nilphamari; Represented by his son and Attorney- Md. Shahed Islam, son of Md. Monsurul Islam and Mrs. Shaher Banu, of of Village-Choto Rawta, Post Office-Domar- 5340, Police Station-Domar, District-Nilphamari.

- VERSUS -

Bangladesh, represented by the Secretary, Ministry of Local Government, Rural Development and Cooperatives (LGD), Bangladesh Secretariat, Ramna, Dhaka-1000 and others.

To.

- ✓ 1. Bangladesh, represented by the Secretary, Ministry of Local Government, Rural Development and Cooperatives (LGD), Bangladesh Secretariat, Ramna. Dhaka-1000

স্থানীয় সরকার বিভাগ সচিবের দপ্তর	
১) অতিরিক্ত সচিব	১) প্রশাসন
২) মহাপরিচালক	২) নগর উন্নয়ন
৩) যুগ্মসচিব	৩) উন্নয়ন
৪) যুগ্মসচিব (পরিকল্পনা)	৪) পলি সরকারি (পাস)
	৫) উপজেলা প্রশাসনা
	৬) স্থানীয় প্রশাসনা
	৭) স্বাস্থ্য প্রশাসনা
	৮) অর্থ প্রশাসনা
ডায়েরি নং: ১৫৪১১	স্বাক্ষর
তারিখ: ১১/১২/২২	

স্থানীয় সরকার বিভাগ সচিবের (আইন) প্রশাসনা	
১) আইন-১	১) জরুরি পেশ করণ
২) আইন-২	২) পেশ করণ
	৩) নথিতে রাখণ
নম্বর: ১৫৪১১	স্বাক্ষর
তারিখ: ১১/১২/২২	

.....Petitioner

..... Respondents

2. Deputy Secretary, Local Government Division (Poura-2 Section), Ministry of Local Government, Rural Development and Cooperatives, Bangladesh Secretariat, Ramna, Dhaka.
3. Deputy Commissioner, Nilphamari, Office of the Deputy Commissioner, Nilphamari.
4. Upazila Nirbahi Officer, Domar, Office of the Upazila Nirbahi Officer, Domar, Nilphamari.
5. Mr. Md. Selim Reza, Panel Mayor-1, Domar Pourashava, Domar, Nilphamari.
6. Upazila Accounts Officer, Domar, Nilphamari.

Whereas the petition above mentioned has been preferred by the petitioner above named to this court against, Notification as contained in Memo No. 46.00.0000.064.31.278.22-1207 dated 22.11.2022 issued by the office respondent No. 1 under the signature of the respondent No. 2 suspending the petitioner from the office of Mayor of Domar Pourashava, Upazila-Domar, District-Nilphamari (Annexure-E) **and** Notification as contained in Memo No. 46.00.0000.064.32.278.22-1207 dated 22.11.2022 issued by the office respondent No. 1 under the signature of the respondent No. 2 authorizing the Panel Mayor-1 of the said Pourashava (respondent No. 5) to run the financial and administrative functions of Domar Pourashava, Upazila Domar, District-Nilphamari (Annexure-E-1)

Now upon hearing Mr. Sanjoy Kumar Kundu, Advocate with Mr. Ujjal Paul, Advocate For the Petitioner Mr. Bipul Bagmar, DAG with Mr. Selim Azad, AAG, Mr. Mohammed Rezaul Hoque, AAG, Mr. Md. Serajul Islam, AAG, and Mr. Bahauddin Ahmed, 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 08<sup>th</sup> day of January, 2022, as to why the Notification as contained in Memo No. 46. 00. 0000. 064. 31. 278. 22-

1207 dated 22.11.2022 issued by the office respondent No. 1 under the signature of the respondent No. 2 suspending the petitioner from the post of Mayor of Domar Pourashava, Upazila- Domar, District-Nilphamari (Annexure-E) and the Notification as contained in Memo No. 46. 00. 0000. 064. 32.278.22- 1207 dated 22.11.2022 issued by the respondent No. 1 under the signature of the respondent No. 2 authorizing respondent No. 5 to run the financial and administrative functions of Domar Pourashava, Upazila- Domar, District- Nilphamari (Annexure-E-1) should not be declared to have been issued without lawful authority and is of no legal effect and/or pass such other or further order or orders as to this Court may seem fit and proper.

Pending hearing of the Rule, let the operation of Memo No. 46. 00. 0000. 064. 31. 278. 22-1207 dated 22.11.2022 issued by the office respondent No. 1 under the signature of the respondent No. 2 suspending the petitioner from the post of Mayor of Domar Pourashava, Upazila-Domar, District-Nilphamari (Annexure-E) and the Notification as contained in Memo No. 46. 00. 0000.064. 32. 278. 22-1207 dated 22.11.2022 issued by the respondent No. 1 under the signature of the respondent No. 2 authorizing respondent No. 5 to the financial and administrative functions of Domar Pourashava, Upazila-Domar, District-Nilphamari (Annexure-E-1) be stayed for a period of 06 (six) months from date.

The petitioner is directed to put in two sets of requisites for service of notices both in usual course as well as through registered post within 3 working days.

Witnesses: Mr. Justice **Hasan Foez Siddique**, the Hon'ble Chief Justice of Bangladesh on this the 11<sup>th</sup> day of December, in the year of two thousand twenty two.

  
Superintendent


  
Assistant Registrar


Typed by:  12.12.2022

Read by:  12-12-22

Exam. by:  12.12.22

Readied by:

  
12-12-22

  
12-12-22