



15.1.05, 15.1.05, 15.1.05, 15-1-05, 15-1-05,

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

Writ Petition No. 7013 of 2004.

In the matter of :

An application under Article 102 read with Article 44 of the Constitution of the People's Republic of Bangladesh. ("the Constitution") .

- And -

In the matter of :

Articles 27 and 38(3) of the Constitution .

- And -

In the matter of :

Articles 111, 112, 115, 116 and 116A of the Constitution.

- And -

In the matter of :

Upholding the supremacy of the Constitution, preserving the Separation and independence of the Judiciary.

- And -

In the matter of :

1. Bangladesh Legal Aid and Services Trust (Blast) 141/1, Segun Bagicha Dhaka represented by its Executive Director, Fazlul Huq. and others Petitioners.

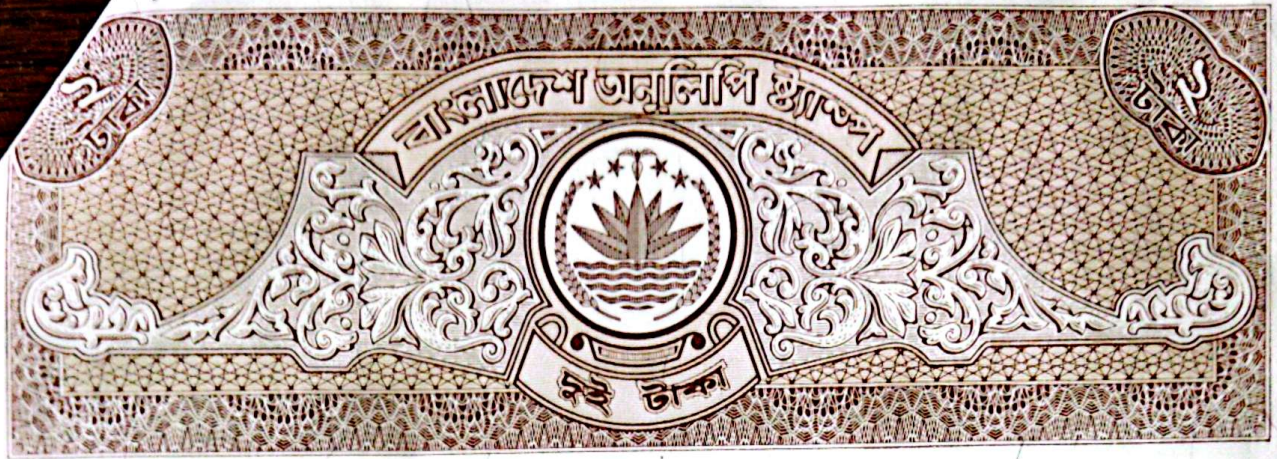
- Versus -

1. Mohammad Golam Quddus, Additional Divisional Commissioner (General) Chittagong Division Chittagong .
2. Md. Ashraful Makbul, Divisional Commissioner Chittagong Division Chittagong .
3. Secretary, Ministry of Law Justice and Parliamentary Affairs, Bangladesh Secretariat, Building 4, Ramna, Dhaka - 1000.
4. Secretary, Ministry of Establishment, Bangladesh Secretariat, P.S. Ramna, Dhaka - 1000. Respondents.

- And -

In the matter of :

Public Notification dated 20.11.2004 issued by Mr. Mohammad Golam Quddus, Additional Divisional Commissioner (General), Chittagong.



- 2 -

Chittagong Staying himself and acting as Ex- officio Sessions Judge of Khagrachari, Rangamati and Bandarban Districts, Vids Memo No. Bic/ Chatra/ Sangstha : ga : / B- 07/204- 762(20) dated 20.11. 2004 (Annexure- A) .

Present :

Mr. Justice Md. Abdul Matin.

And

Mr. Justice A. F. M. Abdur Rahman.

The 02nd of January, 2004.

Mr. Md. Idrisur Rahman ... For the petitioner.

Let a Rule Nisi issue calling upon the Respondents to show cause as to why Public Notification dated 20.11.2004 issued by Additional Divisional Commissioner (General) , Chittagong Claiming, Styling and acting as Ex- Officio Sessions Judge of Khagrachari, Rangamati and Bandarban Districts vide Memo No. Bic / Chatra / Sangstha : ga/ B- 07/ 204-762(30) dated 20.11.2004 and acting as such (Annexure- A) shall not be declared to have been made / done without lawful authority and is of no legal effect and or pass such other or further order or orders passed as to this Court may seem fit and proper.

The Rule is made returnable within 3(three) weeks from date.

M. A. Matin.

A. F. M. A. Rahman.

Azad. 15.1.2005

Read by :- *[Signature]*

Exd. by :- *[Signature]*

প্রত্যয়িত অবিভক্ত প্রতিলিপি

সহকারী রেজিষ্টার
গণপ্রজাতন্ত্রী বাংলাদেশের
সুপ্রীম কোর্ট, হাইকোর্ট বিল্ডিং

(১৮৭২ ইং সনের ১নং আইনের)

৯২ বায়ান্ডেড সড়ক, ঢাকা।

[Signature]
15-1-05
15/1/05

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

The 2nd of January, in the year two thousand five.

Present :
Mr. Justice Md. Abdul Matin.

And
Mr. Justice A. P. M. Abdur Rahman.

Writ Petition No. 7013 of 2004.

In the matter of:

1. Bangladesh, Legal Aid and Services Trust (BLASP) 141/1, Segun Bagicha, Dhaka, represented by its Executive Director, Fozlul Haq and ers.
..... Petitioners.

- Versus -
1. Mohammad Golam Qaddus, Additional Divisional Commissioner (General) Chittagong Division, Chittagong and ers.
..... Respondents.

To:

1. Mohammad Golam Qaddus, Additional Division Commissioner, (General) Chittagong Division Chittagong .
2. Md. Ashraful Maksud Divisional Commissioner Chittagong Division, Chittagong .
3. Secretary, Ministry of Law Justice and Parliamentary Affairs, Bangladesh Secretariat, Building 4, Ramna, Dhaka - 1000.
4. Secretary, Ministry of Establishment, Bangladesh Secretariat, P.S. Ramna, Dhaka - 1000.

Whereas the petition abovementioned has been preferred by the petitioner abovenamed to this Court against the Articles 27 and 38(3) of the Constitution . And Articles 111, 112, 115, 116 and 116A of the Constitution. And Upholding the supremacy of the Constitution, preserving the separation and independence of the Judiciary. And Public Notification dated 20.11.2004 issued by Mr. Mohammad Golam Qaddus, Additional Divisional Commissioner (General), Chittagong Styling himself and acting as Ex-officio Sessions Judge of Khagrachhari Rangamati and ~~xxxxxx~~ Bandarban Districts, Vide Memo No. B/c/ Chatra/ Sangstha : ge : / B- 07/ 204. - 762 (20) dated 20.11.2004 (Annexure- A) .

Now upon hearing Mr. Md. Idrisur Rahman Advocate for the petitioner and upon consideration of the said petition this court doth order and do issue a Rule Nisi calling upon your the aforesaid Respondents to show cause on or before the 22nd of January, 2005, as to why Public Notification dated 20.11. 2004 issued by Additional Divisional Commissioner (General) , Chittagong Claiming, Styling and acting as Ex-Officio Sessions Judge of Khagrachhari, Rangamati and Bandarban Districts Vide Vide Memo No. B/c/ Chatra/ Sangstha : Ga/ B- 07/204- 762 (20) dated 20.11.2004 and acting as such (Annexure - A) shall not be declared to have been made / done without lawful authority and is of no legal effect and or pass such other or further order or orders passed as to this Court may seem fit and proper.

Witnesses : - Mr. Justice ~~xxxx~~ Md. Rahul Amin, performing the function of the Chief Justice of the Supreme Court of Bangladesh at Dhaka this the 2nd of January, in the year two thousand five.

Sr. Superintendent.

Assistant Registrar.

Azd. 15.1.2005

Read by :-

Exd. by :-