



23/06/16, 23/06/16, 23/06/16, 23/06/16, 23/06/16

IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. 7573 of 2016.

IN THE MATTER OF:

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

AND

IN THE MATTER OF:

The Dhaka Mercantile Co-operative Bank Limited, represented by its Chairman Abu Zafar Chowdhury, son of Late Ali Ahmmad Chowdhury, address: 19, Indira Road, Farmgate, Tejgaon, Dhaka. Home Address: House No.; 15/B, Flat No. 2-A, Road No. 2, Lalsarai, Post Office-Dhaka Cant-1206, Dhaka Cantonment, Cantonment, Dhaka.

.....Petitioner.

-VERSUS-

1. The Government of People's Republic of Bangladesh, represented by the Secretary, Rural Development and Cooperative Division, Ministry of Local Government and Rural Development, Bangladesh Secretariat, Secretariat Building, Police Station-Shahbag, Dhaka.
2. The Government of People's Republic of Bangladesh, represented by the Secretary, Ministry of Law Justice and Parliamentary Affairs, Bangladesh Secretariat, Secretariat Building, Police Station-Shahbag, Dhaka.
3. Director General (Registrar), Directorate of Cooperative, Samabay Bhaban, F-1, Agargaon, Civic Sector, Sher-E-Bangla Nagar, Dhaka-1207.
4. Additional Registrar (Audit & Law), Directorate of Cooperative, Samabay Bhaban, F-1, Agargaon, Civic Sector, Sher-E-Bangla Nagar, Dhaka-1207.
5. District Cooperative Officer, Dhaka, of Office of District Cooperative Society, Dhaka, Cooperative Society, Bhabana, Plot No. F-10/A and F-10/B, Agargaon, Sher-E-Bangla Nagar, Dhaka-1207.

.....Respondents.



AND

IN THE MATTER OF:

For the enforcement of fundamental rights guaranteed under Article 26, 29, 31, 38, 40, 42 and 44 of the Constitution of the Peoples Republic of Bangladesh.

AND

IN THE MATTER OF:

The provisions of Section 9 particularly 9(3) and 23 Ka (2) & (3) Samobay Samittee Ain, 2001 (Act No. 47 of 2001) inserted by the Samobay Samitee (Amendment) Ain, 2013 (Annexure-B) as being violative of Article 26, 29, 31, 38 and 40 of the Constitution of the People's Republic of Bangladesh and contrary to the basic scheme of the Samobay Samitee Ain, 2001.

AND

IN THE MATTER OF:

The impugned decision of stopping the functions and affairs of the petitioner taken vide Memo No. অনি(অঃআঃ)/সভা-০৯ dated 12.05.2016 and the process of cancellation of registration and taking other actions against the petitioner vide স্মারক নং ২২৭৩ dated 24.05.2016 issued by the respondent Nos. 4 & 5, respectively for the reason of using the word 'Bank/ব্যাংক' in the name of the petitioner (Annexure-J & K).

Present :

Mr. Justice Syed Muhammad Dastagir Husain.

And

Mr. Justice A.K.M. Shahidul Huq.

The 16th day of June, 2016.

Mr. Shah Monjurul Hoque, Adv.

.....for the petitioner.

Mr. S.S. Sarker, D.A.G. with

Mr. Arobinda Kumar Roy, A.A.G.

.....for the Respondents.

Let a Rule Nisi be issued calling upon the Respondents to show cause as to why the provisions of Section 9 particularly 9(3) and Section 23 Ka (2) & (3) Samobay Samittee Ain, 2001



(Act No. 47 of 2001) inserted by the Samobay Samitee (Amendment) Ain, 2013 (Annexure-B) shall not be declared to ultra vires, inconsistent to ^{the} be basic scheme of the Samobay Samitee Ain, 2001 and also violative of the provision of Article 26, 29, 31, 38 and 40 of the Constitution of the People's Republic of Bangladesh and why the impugned decision of stopping the functions and affairs of the petitioner taken vide Memo No. অনি(অআঃ)/সভা-০৯ dated 12.05.2016 and the process of cancellation of registration and taking other actions against the petitioner vide স্মারক নং ২২৭৩ dated 24.05.2016 issued by the respondent Nos. 4 & 5, respectively for the reason of using the word "Bank in the name of the petitioner (Annexure-J & K) shall not be declared to have been taken/done illegally, without lawful authority and of no legal effect and/or pass such other or further order or orders as to this Court may seem fit and proper.

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

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

S. M. D. Husain.

A.K.M. Shahidul Huq.

Typed by: Alam: 23.06.2016

Read by: *mm* 23-6-16

Exam by: *micra* 23.6.16

Readied by:

23-6-16
মোঃ আব্দুল হাশিম
প্রশাসনিক কর্মকর্তা

23-6-16
মোঃ এনামুল হক মজুমদার
সুপারিনটেন্ডেন্ট

প্রত্যায়িত অবিকল প্রতিলিপি

Alam
23-6-16
সহকারী রেজিস্ট্রার
বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগ
(১৮৭২ ইং সনের ১নং অধিসের)
৭৬ ধারামতে ক্ষমতা প্রাপ্ত