

Development of Writ Jurisdiction in Bangladesh: 1972-2008

by

Abdul Motaleb

A dissertation in partial fulfillment of the requirements for the degree of  
Bachelor of Laws (Hons.)

Supervisor

Prof. Dr. Salimullah Khan

Professor of Law

May 2010

**Department of Law**

**Stamford University Bangladesh**

## DECLARATION

I do hereby declare that the research presented here has not been previously submitted to any other institution. The research I have presented does not breach any copyrights.

.....  
(ABDUL MOTALEB)  
ID: 02905740  
Batch: 29 A  
Department of Law  
Stamford University Bangladesh

Dedicated to my father

ABDUR RASHID

and

my affectionate mother

TAMENDA BEGUM

## **Certificate of Research Supervisor**

This is to certify that the thesis on “Development of Writ Jurisdiction in Bangladesh: 1972-2008” has been submitted in partial fulfillment of the requirements for the degree of Bachelor of Laws (Hons.), Department of Law, Stamford University Bangladesh is a record of the thesis carried out by ABDUL MOTALEB, ID No. LL.B. 02905740, under my active supervision and guidance. The manuscript of the thesis has been scrutinized and checked by me.

.....

(Prof. Dr. Salimullah Khan)

Department of Law

Stamford University Bangladesh

## **Abstract**

The dissertation is based on a study of 36 years of writ jurisdiction in Bangladesh. It studies more specifically developments that have been seen regarding writ jurisdiction after the independence of Bangladesh. An aggrieved person or any person or group (who may be taken as aggrieved person) can sue for relief in the interest of the public or for the well-being of society and in his/her own interest. To meet above needs I have tried to focus on the Appellate Division judgments and on the developments that has been seen regarding five kinds of writ petitions. The question of *locus standi*, question of amendment of the constitution and the question of circumstances in which the petitioner application is maintainable as well as grounds on which the petitioner can get relief constitute the subject-matter of this dissertation. The present study seeks to explore how the judiciary has acted or provided protection for public interest through their judgments.

## TABLE OF CONTENTS

<i>Acknowledgements</i>	viii
<i>Abbreviations</i>	ix
Chapter 1 INTRODUCTION	1
Chapter 2 HABEAS CORPUS	4
2.1 Objectives	4
2.2 Development of Habeas Corpus	4
Chapter 3 MANDAMUS	7
3.1 Purpose	7
3.2 Development of Mandamus	8
Chapter 4 CERTIORARI	12
4.1 Scope and application	12
4.2 Development of Certiorari	12
Chapter 5 PROHIBITION	16
5.1 Meaning	16
5.2 Development of Prohibition	16
Chapter 6 QUO WARRANTO	18
6.1 Objectives	18
6.3 Development of Quo Warranto	19
Chapter 7 CONCLUSIONS	21
REFERENCES	23
CASE REFERENCES	25

## **Acknowledgements**

When I decided that I would take admission in LL.B. (Hons.) programme in Stamford University Bangladesh one person has given me inspiration and consent. It was my mother. So the credit goes to her. That's why I got an opportunity to meet with Dr. Salimullah Khan and other distinguished faculty members. The Librarian of the Supreme Court Bar Association and the Librarian of Stamford University Bangladesh both have given me an opportunity to borrow books and journals from their collections.

Finally, I am very grateful to my learned senior Advocate Mr. Oziullah without whose assistance this research would not have appeared in print.

## Abbreviations

<i>AIR</i>	<i>All India Reports</i>
AD	Appellate Division
<i>ADC</i>	<i>Appellate Division Cases</i>
BCR	<i>Bangladesh Case Reports</i>
BLC	<i>Bangladesh Law Chronicles</i>
BLD	<i>Bangladesh Legal Decisions</i>
BLT	<i>Bangladesh Law Times</i>
DLR	<i>Dhaka Law Reports</i>
HCD	High Court Division
MLR	<i>Mainstream Law Reports</i>
NOC	No Objection Certificate