

International Islamic University Chittagong

Department of Law

Final Examination: Autumn - 2021

Program: LL.B. (Hon's.)

Semester -4th

Course Title: Land Laws of Bangladesh

Course Code: Law- 3102

Time: 2.5 hours

Full Marks: 50

Answer 5 (five) questions from the followings. Parts of the questions must be answered serially. All questions carry equal marks.

1. (a) "Pre-emption is the right of substitution, not repurchase, entitling the preemptor, by reason of a legal incident to which the sale itself was subject to stand in the shoes of the vendee in respect of all the rights and obligations arising from sale under which he has derived his title."—discuss it by referring the case law.

(b) Make distinction between pre-emption under State Acquisition and Tenancy Act, 1950 and Non-agricultural Tenancy Act, 1949.

© Mr. X, has filed a suit of preemption under Muslim Law and after filing the suit he died. Now the heirs of Mr. X, wanted to continue the suit. Can they continue the suit of preemption?
(4+3+3)

2. (a) Explain the procedure for pre-emption under the State Acquisition and Tenancy Act, 1950

(b) Can partial pre-emption be possible? If so, explain the procedure. (7+3)

3.(a). Explain the term 'Record of Rights'. Explore the different types of record of rights.

(b). 'Record of rights or a *Khatian* is not a document of title'—explain. How would you determine the record of rights of C.S, P.S and B.S? (6+4)

4.(a) Mr. 'X' is an owner of a land situated in Sitakunda, Chottogram. After the final publication of record of rights Mr. 'X' noticed that there was an error relating to quantity of his land. Then he went to revenue officer for the correction of record of rights. But the officer refused to make any correction as final publication has been completed. Now is there any remedy available for Mr. 'X'?

(b) Explain the composition and jurisdiction of the Land Survey Tribunal and Land Survey Appellate Tribunal under the State Acquisition & Tenancy Act, 1950. Is it possible to file an appeal against the order, decree or judgment passed by the Land Survey Appellate Tribunal? if so, when and how? (4+6)

5. (a). What matters are to be taken and not are to be taken consideration by the Deputy Commissioner in determining compensation for acquisition of property under the State Acquisition and Tenancy Act,2017?

(b). What are the provisions of acquiring property by a person other than the government under the Acquisition and Requisition of Immovable Property Act, 2017? (6+4)

6. (a). What are the objects of enacting the Hats and Bazars (Establishment and Acquisition) Ordinance, 1959?

(b). 'A' is the owner of a land in Kumira besides the highway. There has been established a hat in this land by some people other than 'A'. What is the legal status of the hat? Describe also the legal status of the hat if it is established by 'A'.

(c). Explain the procedure of acquiring hat and bazar under the Hats and Bazars (Establishment and Acquisition) Ordinance, 1959. (3+4+3)

7. Write short notes on the following: (Any four) 2.5*4=10

- a) Complete usufructuary mortgage;
- b) Derelict tea garden;
- c) Estate;
- d) Rent receiver;
- e) Homestead.