



Real Estate and Property Matters

Real estate and Property related legal issues can be divided into (a) freehold land and buildings matters, (b) leasehold land and building matters and (c) real estate development matters. Before the acquisition, purchase of land or long-term lease for commercial purpose clients often require a comprehensive due diligence report on several complex matters involving authenticity, title, possession & history of land transfer. The same can only be provided by a physical search of books and records in a number of offices, besides physical survey is often required to locate & measure the land. On completion of due diligence, if land/building/apartment is found satisfactory, the client often needs assistance in preparing registration of Deed of Agreement for Sale (Baina); Sale Deed; Lease Agreement, etc. followed by mutation. Dealing with land is a very complex affair in Bangladesh as there is no option for online searching. Clients who haven't taken legal assistance at the time of acquisition or rent does, later on, find themselves falling into disputes involving ownership, possession, etc. Legal assistance is often required in resolving disputes in different tribunals & courts, which is a time-consuming affair. Understanding Land documents require significant experiences in Bangladesh context as land documents are complex by nature. Besides, searching genuineness of documents in land offices and completing registration and mutation etc. are skilled based work requiring a high level of understanding and experience in Land matters. Our firm has the right people for the job. Both our Investment & Business Setup Team and ADR, Land & Tribunal Team deal with land matters for nearly 10 years.



Mohammed Forrukh Rahman



Mr. Mohammed Forrukh Rahman has been ranked (**Band II**) for **Corporate & Finance**.

"Rahman's Chambers handles foreign investment and **disputes** involving **corporate transactions**, finance... "

–Legal 500, 2018

"He is a **knowledgeable** and very **co-operative** person. I have discussed many issues with him and he gives me the **right** suggestions."

–Chambers & Partners, 2019

"Their response times are **excellent** and they make you feel generally very well informed."

– Chambers & Partners, 2018.

The firm has ADR, Land & Tribunal Team comprising lawyers who have more than 10 years of experience of working in the field and also lawyers who provide in-house support to the clients. The work is coordinated by our Coordinator and overseen by the Head of Chambers to ensure the best quality & on-time delivery. We have strong ability to meet the demand of client by conducting due diligence of any size of land/building located anywhere in Bangladesh.

Besides our High Court Team and District Court Team also deals with land related disputes in courts & tribunals, and in recent years we have successfully resolved a dispute and client was able to recover the possession of land situated in a prime location.

One of our respected clients was kind enough to comment about our work as follows:

"The Firm has been **incremental** in providing its relentless support while handling several litigations...We are also pleased with the combined teamwork of both the High Court team and the District Court team of the Firm as they have successfully handled the suits at every stage while displaying **excellent** decision making prowess and ability to make tactical decisions while taking chances based on a well-formed legal strategy which resulted in the **successful recovery** of the **possession** of the land in 2018."

Our completed matters are:

- **Assisted** Data Edge Limited in **recovering possession** of land located in a prime location after successfully resolving dozens of cases in client's favor pending in both higher & lower judiciary.
- **Conducted** several **searches** at Sub Registry office; AC Land office; DC office, and provided **due diligence** report for **acquiring** land for a top multinational garment's manufacturer of the world, and on completion of **acquisition** we also assisted them in **mutating** its name in the latest survey.

- **Advised** a number of companies in **drafting** commercial lease agreement for several years and **advised** a few of them in registering the same.
- **Conducted due diligence** of 695 acres of land for Velcan Energy Mauritius Ltd, a solar power company from Mauritius.
- **Conducted due diligence** of 768 acres of land for First Security Islami Bank Limited.
- **Handled** several land-related **disputes** for BPDB and private clients.
- **Handled Due diligence**, registration and mutation for Saturn Textiles Ltd., a foreign investor.
- **Handled** several **joint venture** land development and building construction arbitration for and against the developer.
- **Due diligence** for a Hong Kong-based garments for setting up business in **Special Economic Zones** and **EPZ** in Bangladesh.
- **Drafted** and **assisted registration** of lease for several companies.
- **Advised** individual clients on several land-related interests.
- **Due diligence** of a number of lands for Bangladesh Infrastructure Finance Fund Limited (**BIFFL**).
- **Handled** complex transfer of **mortgaged land** from one entity to another for Leatherex Footwear Ins. Ltd.
- **Several searches, due diligence, mortgage, second mortgage, power of attorney registration, redemption, revocation** etc. for several banks.
- **Representing** high net worth clients in lower and higher judiciary over **major land disputes** involving ownership of a multi-storied commercial building in Dhaka.
- **Handled** khas khatian related dispute, assisted in survey and **demarcation** of land and completed **several mutations** for a major textile company.
- **Drafted** and **assisted registration** of lease for several companies & individuals for many years.
- **Handled** several joint venture land development and building construction agreement and power of attorney for and against the developer.

Due Diligence and Search

We regularly conduct due diligence for client both local and foreign with regard to the status of the title deed, Khatians, Mutation, ground rent etc. whether those are genuine or not by visiting concerned sub registry, land offices, survey office. Such search is conducted by our senior associate of not less than 10 years' experience as land documents are complicated. We also provide client with vetting of property by checking 25 years chain of ownership, consistency of documents, cross checking whether the documents are match for each other and any vital document is missing or not.

Acquisition/Purchase and Sale

Chambers has 10 long years expertise in helping clients with buying and selling of Land and building. Both business and individual client take our service in such matters. Buying and selling involves preparation of deed of agreement for sale or deed of sale as suitable. With or without commissioning services for registration we complete the registration work.

Land Development and Building Projects

The chambers has drafted/vetted several Joint Venture and Power of Attorney both for Landowner and Developer company where both parties are actually forming a joint venture akin to partnership where one party is contributing land and other is contributing by financing the project, constructing the building. Besides, the Chambers has very unique experience of drafting simple construction agreement for landowner where the developer were engaged only for construction and develop at the expense of client. We vet/prepare deed of agreement for sale (Baina), Deed of sale, Deed of agreement etc. and assist client with registration process.

Renting Floor/Plot for Commercial Use

Due diligence and search is required for long term lease of plot/floor for commercial use. We assist client with drafting lease agreement suitable for commercial use. We have provided such services to many Chinese companies.

Mutation, Survey and Other Services

Land and building being immovable properties and prone to disputes has different legal and regulatory compliance for maintaining strong records of title. The same are m survey record mortgage registration with RJSC and sub registry etc. Besides found rent and city corporation tax are also relevant with land. Maintain up to date record for survey by mutation is important. Our strong team of lawyers ensures that every aspect of Land recording is completed and up to date

Dispute Resolution

Land documentation, transfer by inheritance, gift, sale, wakf etc, correction, mutation, charges/other rights on land, recording and survey are complex matter. Hence, naturally disputes are very common. The disputes are often with ownership, inheritance, false transfer, forgery, measurement, possession, eviction, easement, mortgage etc. Besides, disputes are common with leasehold interest .e.g unlawful possession, eviction etc. The chambers has sufficient expertise and knowledge not only with land transaction but also with court appearance on land matters both in lower and higher judiciary.

Our Related Clients:

- Leatherex Footwear Industries Ltd
- Seven Properties Ltd
- Saturn Textiles Ltd
- G.A.B.Ltd(Gildan)
- Perseus Ltd
- Lifan Sujan Group
- JBEC Ltd
- United Commercial Bank Ltd
- First Security Islami bank Ltd
- Individual clients

Our reported Case:

- Dr. Moosa Bin Shamsher vs. Ayub Ali & Others **2 LNJ (2013) 18C, 2 LNJ (2013) 1**