
Amar Nath Vs D.D.C. and Others

None

Court: Allahabad High Court (Lucknow Bench)

Date of Decision: Sept. 9, 2009

Acts Referred:

Uttar Pradesh Consolidation of Holdings Act, 1953 " Section 48

Citation: (2010) 3 AWC 2671

Hon'ble Judges: Anil Kumar, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Anil Kumar, J.

The present writ petition has been filed thereby challenging the order dated 27.9.2006, passed by Deputy Director of

Consolidation, Hardoi in Revision No. 529, Jagannath v. Umakant and Ors. Revision No. 692, Smt. Ram Pyari v. Ramesh Chandra and Ors.

2. Learned Counsel for the petitioner submits that the impugned order dated 27.9.2006, passed by Deputy Director of Consolidation, Hardoi is a

non-speaking order and no reason whatsoever has been given by the respondent No. 1 while allowing the Revision Nos. 529 and 692 as such the

order passed by him is unreasonable and arbitrary, thus is liable to be quashed.

3. I have heard Sri Anurag Narain, learned Counsel for the petitioner and learned Counsel for the respondents.

4. In brief factual matrix of the present case are to the effect that before the Deputy Director of Consolidation, Hardoi three revisions u/s 48 of the

Uttar Pradesh Consolidation of Holdings Act, 1953 were filed, namely:

(1) Revision No. 529, Jagannath v. Umakant and Ors.

(2) Revision No. 692, Smt. Ram Pyari v. Ramesh Chandra and Ors.

(3) Revision No. 697, Amarnath v. Ram Asharey and Ors.

5. The respondent No. 1 had consolidated all the three revisions and thereafter the same was heard and disposed of by means of a common

judgment and order dated 27.9.2006 by which the respondent No. 1 has allowed the Revision No. 529 and Revision No. 692 whereas dismissed

the Revision No. 697.

6. Order dated 27.9.2006 by which the respondent No. 1 has allowed the Revision No. 529 and Revision No. 692 was challenged by means of

present writ petition.

7. From perusal of the judgment and order dated 27.9.2006, passed by the respondent No. 1, it is crystal clear that no reason whatsoever has

been given by the respondent No. 1 while passing the order dated 27.9.2006, rather the same is cryptic judgment devoid of reasons and without

appreciation of rival claims of the parties is unsustainable and arbitrary in nature.

8. Law is settled that a decision arrived at by any authority without giving any reason is a totally arbitrary decision. It has been repeatedly held by

this Court as well as by the Hon"ble Apex Court that giving of reasons is one of the fundamentals of good administration. Reasons introduce clarity

in an order and indicate an application of mind. The respondent ought to have set forth their reasons in their orders, howsoever brief may be, in

order to indicate an application of their mind, all the more, when their orders are amenable to further avenue of challenge.

9. In Breen v. Amalgamated Engg. Union 1971 (1) All ER 1148, it was held that ""the giving of reasons is one of the fundamentals of good

administration."" In Alexander Machinery (Dudley) Ltd. v. Crabtree 1974 (4) ICR 120 (NIRC), it was observed that ""failure to give reasons

amounts to denial of justice. Reasons are live links between the mind of the decision taker to the controversy in question and the decision or

conclusion arrived at.

10. Reasons substitute subjectivity by objectivity. The emphasis on recording reasons is that if the decision reveals the "inscrutable face of the

sphinx", it can by its silence, render it virtually impossible for the Courts to perform their appellate function or exercise the power of judicial review

in adjudging the validity of the decision. Right to reason is an indispensable part of a sound judicial system, reasons at least sufficient to indicate an

application of mind to the matter before Court. Another rationale is that the affected party can know why the decision has gone against him. One of

the salutary requirements of natural justice is spelling out reasons for the order made, in other words, a speaking-out. The "inscrutable face of the

sphinx" is ordinarily incongruous with a judicial or quasi-judicial performance.

11. This Court in the case of Rajendra Singh and Ors. v. Deputy Director of Consolidation and Ors. 2005 (99) RD 46, has held that one of the

salutary requirements of natural justice is spelling out reasons for the order made, in other words, a speaking-out. The inscrutable face of the

sphinx" is ordinarily incongruous with a judicial or quasi-judicial performance.

12. For the foregoing reasons, the impugned order dated 27.9.2006, passed by Deputy Director of Consolidation, Hardoi while allowing the

Revision Nos. 529 and 692 is non-speaking and arbitrary order.

13. Accordingly, the same is set aside and the writ petition is allowed.

14. Further the matter is remanded back to the Deputy Director of Consolidation, Hardoi to decide the Revision No. 529 and Revision No. 692

after giving due opportunity of hearing to the concerned parties in accordance with law say expeditiously within a period of six months from the

date of production of certified copy of this order.

It is made clear that this Court has not adjudicated the claim of the petitioner on merits.