

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 1862/2026

Beeru Ram and Anr.

.....Appellant(s)/Petitioner(s)

Through: Mr. Kamal Mangotra, Advocate

vs

UT of J&K and others

..... Respondent(s)

Through: Mr. Meharban Singh, AAG for R-1& 2

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

24.06.2026

1. Learned counsel for the petitioners submits that the order dated 25.03.2026 passed by respondent No. 2, whereby the application seeking restoration of the appeal dismissed for want of prosecution vide order dated 11.01.2025 has been allowed, is wholly unsustainable in law, inasmuch as the same has been passed without assigning any reasons.
2. It is further contended that the appeal in question arises out of Mutation No. 1940 dated 28.06.1989 pertaining to Village Amb, Tehsil Bhalwal, District Jammu. Learned counsel submits that the appeal had been dismissed in default and that the application seeking restoration/readmission thereof was filed only in June, 2025 and was, therefore, prima facie barred by limitation. According to the petitioners, the issue of limitation and the sufficiency of the grounds urged for restoration required due consideration before any order restoring the appeal could have been passed.

3. Mr. Kamal Mangotra, learned counsel appearing for the petitioners, fairly submits that the authority below was required to consider the pleadings and submissions of both sides and thereafter pass an order disclosing the reasons which weighed with it in restoring the appeal. For facility of reference, the impugned order is reproduced hereunder:

“Call given. Ld. Counsels for both sides present. A detail discussion held on an application for restoration of an appeal. So, the appeal is restored.”

4. A perusal of the aforesaid order reveals that it is entirely bereft of reasons. The order neither records the submissions advanced by the parties nor discloses any consideration of the question of limitation or the grounds urged in support of restoration. It is a settled principle of law that every judicial or quasi-judicial authority is under an obligation to pass a reasoned order indicating the basis of its conclusions. Recording of reasons is an indispensable facet of the principles of natural justice and ensures transparency, fairness and accountability in the decision-making process.
5. In the absence of any reasons, this Court is unable to discern the basis on which the appeal came to be restored. The impugned order, therefore, cannot be sustained in the eyes of law and deserves to be set aside.

6. Accordingly, the order dated 25.03.2026 is quashed and set aside.
The matter is remanded to the Additional Deputy Commissioner, Jammu, exercising the powers of Commissioner Agrarian Reforms, Jammu, for fresh consideration of the application for restoration/readmission of the appeal. The authority shall afford an opportunity of hearing to parties and thereafter pass a speaking and reasoned order in accordance with law.
7. The parties shall appear before the said authority on 02.07.2026.
8. The writ petition stands disposed of along with all connected applications, if any.

Jammu
24.06.2026
Diksha

