

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No.8621-2016 (O&M)

Date of decision:06.10.2016

Sharda Rani

...Petitioner

Versus

Union of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.J.S.Sathi, Advocate for the applicant-petitioner.
Mr.Amit Arora, Advocate for the respondents.

RAMESHWAR SINGH MALIK, J. (Oral)

CM-10735-2016

Applicant seeks early hearing of the writ petition from
2.12.2016 to some earlier date.

Notice of the application was issued.

After hearing the learned counsel for the parties, the instant
application is allowed, for the reasons stated therein. Date of hearing is
preponed from 2.12.2016 to today.

CM stands disposed of.

Main case

Present writ petition is directed against the order dated
26.4.2016 (Annexure P-9), whereby application of the petitioner for re-issue
of passport was rejected.

Notice of motion was issued and in compliance thereof, reply
was filed on behalf of the respondents.

Heard learned counsel for the parties.

A bare perusal of the impugned order (Annexure P-9) would

show that it is a totally non-speaking and cryptic order. No reason much less cogent reasons has been assigned in the impugned order, in the absence of which, this Court is unable to appreciate as to what was the reason which weighed with the respondent authorities for passing the impugned order.

At this stage, learned counsel for the respondents tried to explain that since the application of the petitioner was lacking in particulars and some of documents were not attached with it, she was requested to supply those documents. However, this contention raised by the learned counsel for the respondents seems to be wholly misplaced. It is so said because had the stand taken by the learned counsel for the respondent been correct, there was no occasion for the respondent authorities to reject the application of the petitioner. In that situation, application ought to have been kept pending, requesting the petitioner to supply requisite documents. Having said that, this Court feels no hesitation to conclude that the impugned order is patently illegal and the same cannot be sustained.

It goes without saying that the respondent authorities are under legal obligation to support their order by assigning appropriate reasons, while deciding the valuable rights of the citizens. No order, be it quasi-judicial or administrative order, would be an appropriate order, if it is not supported with reasons assigned by the competent authority, while passing such orders. Further, no court of law would be in a position to appreciate the issue involved until and unless the impugned order is supported by appropriate reasons. Under these circumstances, it can be safely concluded that the impugned order being a totally cryptic and non-speaking order, cannot be sustained.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since the impugned order is patently illegal order, besides being cryptic and non-speaking order, which cannot be sustained and accordingly, the impugned order is set aside. The writ petition deserves to be accepted.

The respondent authorities are directed to reconsider the grievance of the petitioner and decide her claim afresh by passing an appropriate order, however, strictly in accordance with law, but in any case within a period of six weeks from the date of receipt of a certified copy of this order.

Resultantly, with the above-said observations made and directions issued, the present writ petition stands disposed of.

06.10.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No