

CWP-18964-2020

Date of decision : December 09, 2020

JASMER SINGH

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sansar Kundu, Advocate for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This petition has been filed challenging order dated 11.06.2020 (Annexure P3) as well as order dated 30.09.2020 (Annexure P5). Learned counsel for the petitioner vehemently argues that learned appellate Authority i.e. the Collector/Deputy Commissioner, Jind has passed a totally non-speaking order on 30.09.2020 (Annexure P5) without adverting to the grounds of challenge and contentions raised on behalf of the petitioner, thus, displaying total non-application of mind.

Learned counsel for the State was afforded time to seek instructions/file reply. No reply has been filed though learned counsel for the State seeks dismissal of this petition.

I have heard learned counsel for the parties.

A perusal of impugned order dated 30.09.2020 reveals that after narration of the facts, learned Collector has observed as under:-

The said order is clearly a non-speaking order. Reference can gainfully be made to the judgment of the Hon'ble Supreme Court in **M/s Kranti Associates Pvt. Ltd. and another versus Sh. Masood Ahmed Khan and others 2019 (6) SCC 496**, wherein it has been clearly observed as under:-

- c. Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.
- d. Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.
- e. Reasons reassure that discretion has been exercised by the decision maker on relevant grounds and by disregarding extraneous considerations.
- f. Reasons have virtually become as indispensable a component of a decision making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.
- g. Reasons facilitate the process of judicial review by superior Courts.
- h. The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the life blood of judicial decision making justifying the principle that reason is the soul of justice.
- i. Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This

j. Insistence on reason is a requirement for both judicial accountability and transparency.

1. Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or ‘rubber-stamp reasons’ is not to be equated with a valid decision making process.

X_{XX} XXX XXX ”

Keeping in view the facts and circumstances as above, order dated 30.09.2020 is set aside, and the matter is remanded to the learned Collector and Deputy Commissioner, Jind to decide the matter afresh after hearing the parties, by passing a reasoned, speaking order within a period of two months from the date of receipt of certified copy of this order.

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No