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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1225 OF 2021

Gajanan Tabaji Dongre President
Shivner Mitra Mandal Sakinaka

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. Anil Anturkar, Sr.Advocate i/b Mr.Shubham Misar for the
Petitioner

Mr.Kedar Dighe, A.G.P. for the State / Respondent nos.1 to 3

Mr.Narendra V. Bandiwadekar a/w Mr.Vinayak Kumbhar for
Respondent nos.4 and 5

**CORAM: S.V.GANGAPURWALA &
R.N.LADDHA, JJ.**

DATED : SEPTEMBER 6, 2022

P.C.

1 Heard Mr. Anturkar the learned Sr.Advocate for the
Petitioner, the learned A.G.P. and Mr.Bandiwadekar the learned
Counsel for the Respondents.

2 Amongst other submissions, one of the submissions of
Mr.Anturkar, the learned Senior Advocate for the Petitioner is that
the order is bereft of reasons. The Appellate authority has not
independently applied its mind while passing the impugned order.

3 The learned A.G.P. submits that the appellate authority has considered the submissions of the respective parties and documents on record and thereby has dismissed the appeal. As the appellate authority has confirmed the order of the lower authority it is not required to give elaborate reasons. Mr.Bandiwadekar the learned counsel for the complainant submits that the authority has considered all the relevant aspects of the matter.

4 We have considered the submissions. Reasons now are considered to be one of the realm of the principles of natural justice. Reasons depict the application of mind of the authority passing the order and order sans reasons cannot be sustained. Perusal of the impugned order it is manifest that the appellate authority has only recorded the submissions of the parties and in four lines disposed of the Appeal. The appellate authority, no doubt, is not expected to give reasons and finding as that of judicial officer, however is expected to deal with the submissions and the documents on record in pragmatic manner and thereafter, arrive at a conclusion. Authority has to arrive at a subjective satisfaction based on the objective assessment and the submissions before it.

5 As the impugned order is bereft of reasons, same cannot be

sustained. Impugned order as such is set aside and parties are relegated before the appellate authority.

6 Parties shall appear before the appellate authority on 03.10.2022.

7 Appellate Authority shall hear the parties afresh and pass orders considering the case of all the parties. Same shall be decided afresh expeditiously and if possible, preferably within six months from the date of appearance of the parties. As this court has already given date of appearance, it is not for the appellate authority to give separate notice.

8 Writ Petition is disposed of.

9 Interim order passed earlier shall continue till the appeal is decided by the authority.

(R.N.LADDHA, J.)

(S.V. GANGAPURWALA, J.)