

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-28675-2022

Date of Decision: December 14, 2022

RESHAM SINGH (SINCE DECEASED) THROUGH LR

..... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. M.S. Yadav, Advocate for the petitioner.

Mr. Sandeep Jain, Addl.AG, Punjab.

Mr. Gurmanpreet Singh, Advocate for respondent No. 4.

LISA GILL, J.

Limited prayer addressed in this writ petition is that vacation of interim order dated 19.10.2022 in favour of the petitioner without recording any reasons by learned Joint Development Commissioner (IRD), Rural Development and Panchayat Department, (exercising the powers of Commissioner), is unjustified, therefore, said order dated 07.12.2022 be set aside. It is submitted that vide order dated 17.08.2022, ejectment of the petitioner was ordered in the petition under Section 7 of the Punjab Village Common Lands (Regulation) Act (for short – ‘PVCL Act’) filed by the respondent – Gram Panchayat. Petitioner filed an appeal challenging order dated 17.08.2022. Appeal was admitted and status quo regarding possession was directed to be maintained vide order dated 19.10.2022. However,

interim order in favour of the petitioner was vacated on 07.12.2022 without recording any reasons for the same with a simple observation that stay is vacated on the basis of receipt of Status Report from the BDPO, Nabha regarding land in dispute and considering the contentions of the counsel for the respondent. Appeal was adjourned to 18.01.2023 for final arguments. It is submitted that petitioner undertakes that arguments shall be addressed on 18.01.2023 itself and no adjournment whatsoever shall be sought by the petitioner or his counsel, but in case, order dated 07.12.2022 is not set aside, manifest injustice shall be caused to the petitioner.

Reply on behalf of respondent No. 5 filed in Court today with copy thereof to learned counsel for the petitioner, is taken on record subject to just exceptions.

Learned counsel for the respondent – Gram Panchayat submits that impugned order dated 07.12.2022 has been correctly passed after taking into consideration the report of BDPO, Nabha. However, learned counsel for the respondent is unable to deny that contentions as raised on behalf of the petitioner are not adverted to in the impugned order dated 07.12.2022, vacating the interim relief granted to the petitioner on 19.10.2022. There is a mere reference to Status Report dated 05.12.2022. It is a settled position of law that a quasi judicial authority should support its orders with reasoning. It has been held by the Hon'ble Supreme Court in **M/s Kranti Associates Pvt. Ltd. and another v. Sh. Masood Ahmed Khan and others, 2010(9) SCC 496** as under:-

“b. A quasi-judicial authority must record reasons in support of its conclusions.

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 is important for sustaining the litigants' faith in the justice delivery system.”

Keeping in view of the facts and circumstances as above, order dated 07.12.2022 is set aside. It is directed that appeal filed by the petitioner pending on 18.01.2023 be decided on the said date itself after hearing the arguments on behalf of the parties and in case, for some reason, it is not possible to decide the appeal on 18.01.2023, the same be decided within next three weeks thereafter.

Present writ petition is, accordingly, disposed of.

It is clarified that there is no expression of opinion on the merits of the controversy between the parties.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

December 14, 2022

rts

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No