



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 828 of 2021

Rajjak Subhan Sheikh ..vs.. Sub Divisional Officer, Katol, Tq.Katol, Dist. Nagpur and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Raviprakash Verma with Ms. Fatima Pathan, Advocates instructed by
Mr. T. S. Kene, Advocate for the petitioner
Mr. H. D. Futane, AGP for respondent nos. 1 and 2
Mr. C. S. Dangare, Advocate h/f Mr. S. S. Dhengale, Advocate for
respondent nos. 3 to 19

CORAM : ANIL L. PANSARE J.

DATED : 23-10-2024

It appears that there occurred inadvertent error in order dated 10-10-2024 passed by this Court. The word 'SDO' in the last line of first paragraph be replaced by 'Tahsildar'. Corrections be made and corrected copy of order be uploaded immediately.

2. Heard.

3. The petitioner raised a plea before the Sub Divisional Officer (SDO) that the respondents (original applicants) despite the alternate way available to approach their field, have made the petitioner party alleging that he caused obstruction on the way to their field. It is further the case of the petitioner that the agricultural fields of most of the respondents is not within the vicinity where the agricultural field of the petitioner is located and further, there is no necessity for the respondents to go through the field of the petitioner.

4. The SDO has rendered no finding on the aforesaid plea. In fact the order impugned does not

disclose any reason to allow the appeal. The Hon'ble Supreme Court in the case of ***Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota V/s Shukla and Brothers [(2010) 4 SCC 785]***, while highlighting the importance of reasoned order/judgment has held thus :

“27. By practice adopted in all courts and by virtue of judge-made law, the concept of reasoned judgment has become an indispensable part of basic rule of law and, in fact, is a mandatory requirement of the procedural law. Clarity of thoughts leads to clarity of vision and proper reasoning is the foundation of a just and fair decision. In Alexander Machinery (Dudley) Ltd. there are apt observations in this regard to say “failure to give reasons amounts to denial of justice”. Reasons are the real live links to the administration of justice. With respect we will contribute to this view. There is a rationale, logic and purpose behind a reasoned judgment. A reasoned judgment is primarily written to clarify own thoughts; communicate the reasons for the decision to the concerned and to provide and ensure that such reasons can be appropriately considered by the appellate/higher court. Absence of reasons thus would lead to frustrate the very object stated hereinabove.”

Thus, the Hon'ble Apex Court has, in so many words, explained the importance of reasoned judgment. The Apex Court proceeds to observe that failure to give reasons amounts to denial of justice and assigning reasons is a basic rule of law, nay, is a mandatory requirement of procedural law.

5. In the present case also, the SDO has not assigned any reason. The impugned order is, therefore,

unsustainable. Accordingly, writ petition is partly allowed. Order dated 29-5-2020 passed by the Sub Divisional Officer, Katol, District Nagpur in Revenue Case No. 5/BND-54/2017-2018 is quashed and set aside.

6. The appeal is restored on the file of Sub Divisional Officer, Katol, District Nagpur for decision afresh in accordance with law.

7. The parties shall appear before the Sub Divisional Officer, Katol on 26-11-2024.

(Anil L. Pansare, J.)

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