

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9921-2024

Date of decision:-02.05.2024

Parkash Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Ashok K. Sharma, Advocate
for the petitioner.

SUVIR SEHGAL, J.(ORAL)

1. This is a second writ petition filed under Articles 226 and 227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing orders dated 21.02.2022 and 23.11.2022, Annexures P4 and P6, respectively by the respondent - authorities.

2. Counsel for the petitioner submits that the first writ petition was withdrawn vide order dated 07.02.2024, Annexure P7, with liberty to file a fresh one with better particulars. He submits that the petitioner exchanged his agricultural land with Smt.Krishna on 18.12.2017, under a compromise. He submits that on the basis of settlement, award dated 22.04.2018, Annexure P2, was passed by the National Lok Adalat and upon deposit of the requisite stamp duty, a deed was registered. He submits that after more than three years of the registration of the deed,

respondent – authorities initiated proceedings under Section 47-A of the Indian Stamp Act, 1899 and impugned order, Annexure P4, was passed by respondent No.3 requiring the petitioner to deposit Rs.1,06,318/- as deficit stamp duty and registration charges. He submits that an appeal filed by the petitioner was rejected by respondent No.4 by a non-speaking order on 23.11.2022, Annexure P6. He submits that the arguments raised by the petitioner have not been dealt with by respondent No.4 while dismissing the appeal.

3. Notice of motion.

4. On asking of the Court, Mr.Aman Bahri, Addl.A.G., Haryana, accepts notice on behalf of respondents. He has supported the orders under challenge.

5. I have heard counsel for the parties and considered their respective submissions.

6. The relevant extract of the impugned appellate order, Annexure P6, passed by respondent No.4, deserves to be noticed and is reproduced hereunder:

“After hearing the arguments of the learned advocates of both the parties and studying the records received on the file, I have come to the conclusion that there is no error of any kind in the order passed by the lower Court. Finding no strength in the grounds taken by the Appellant in his appeal, the appeal is dismissed. The file should be consigned in the record room after compliance.

Order pronounced -----Sd/-----
Dated: 23.11.2022 Divisional Commissioner, Karnal Division
Karnal”

7. It is evident from the above reproduced order that the Appellate Authority has failed to record any reason whatsoever in support of its order. After noticing the arguments addressed by counsel for the parties, the Appellate Authority has simply endorsed the order passed by respondent No.3 without applying its mind.

8. In *M/s Kranti Associates Pvt. Ltd. and another Versus Sh. Masood Ahmed Khan and ors. (2010) 9 SCC 496*, Supreme Court has held that recording of reasons is indispensable component of decision making process and facilitate the process of judicial review by superior Courts. It has been observed that an authority must record reasons in support of its conclusion and it is a necessary requirement for both judicial accountancy and transparency. As the impugned Appellate Order sans any reason, it cannot be sustained on this short ground.

9. For the foregoing reason, impugned order, Annexure P6, passed by the Appellate Authority is set aside and the matter is remitted to it to decide it afresh by passing a reasoned order after hearing the parties. Liberty is granted to the parties to produce any additional material they deem necessary in support of their arguments.

10. Petition is disposed of.

11. Parties are directed to appear before the Appellate Authority (Commissioner Karnal Division, Karnal – respondent No.4) on 08.07.2024, at 10:00 a.m. for further proceedings.

(SUVIR SEHGAL)
JUDGE

02.05.2024

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No