

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6916 of 2022

Mr. Aman Sethi S/o late Shri Som Prakash Sethi, S- 541, Greater Kailash- II, New Delhi, Through Power of Attorney Holder- Ramesh Prasad Singh, aged about 55 years approximately, S/o Ram Yash Singh, permanently residing at Road No. 7, East Patel Nagar, Near Gandhi Maidan, Patna- 800023, R/o Batkhara Office, Shitla Mandir, Chiragaura, Hirapur, Dhanbad, Jharkhand, Pin Code- 826001

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary cum Mines Commissioner, Mines and Geology Department, Government of Bihar, Patna.
2. The Principal Secretary cum Mines Commissioner, Mines and Geology Department, Government of Bihar, Patna.
3. The Director Mines, Mines and Geology Department, Government of Bihar, Patna.
4. The District Magistrate cum Collector, Shaikhpura, Bihar.
5. The Assistant Director Mines, Shaikhpura, Bihar.
6. The Minerals Development Officer, Shaikhpura, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sriram Krishna, Advocate Mr. Shashank Shekhar Kunwar, Advocate
For the State	:	Mr. Gyan Prakash Ojha, GA-7

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

11 09-12-2025 Heard learned counsel for the petitioner; learned counsel for the State and learned counsel for the Mining Department.

2. The petitioner has moved the Court for the following reliefs:

“For issuance of writ in the nature of certiorari for quashing the letter contained in memo no. 345 dated 26.03.2022 passed by



the Minerals Development Officer, Sheikhpura whereby and whereunder the prayer of the petitioner for extension of lease period has been illegally and arbitrarily rejected;

ii. For issuance of appropriate writ(s) /order(s) /direction(s) for commanding the respondents to extend the period of mining lease of the petitioner dated 06.06.2017 ending on 06.06.2022 by another 230 days approximately because during the said period, the petitioner has been prevented/stopped from fulfilling and enjoying the terms and conditions of the lease because of certain actions/happenings which were beyond the control of the petitioner and those happenings cannot be attributed to the petitioner at all”

3. The petitioner, for certain reasons, had approached the State authorities for extension of his lease. The application has been rejected by a six line cryptic order without mentioning the reasons for rejection. There is no detailed consideration of the application of the petitioner.

4. Learned counsel for the Mining Department has vehemently opposed the case and has supported the impugned order and submits that the order of the Collector has not been challenged and the present letter dated 26.03.2022 is a communication about the order of the Collector. He also relies upon the ***L.P.A No. 379 of 2019***, titled as ‘***Aman Sethi vs State of Bihar & Ors.***’ and has submitted that the petitioner should approach the State authorities for extension which includes concession.



5. I have considered the submissions of the parties.

6. The Constitution Bench of the Hon'ble Supreme Court in the case of *S.N. Mukherjee v. Union of India, reported as (1990) 4 SCC 594*, while considering one of the questions, whether there is a general principle of law which requires an administrative authority to record the reasons for its decision, had held as under:-

*“36. Reasons, when recorded by an administrative authority in an order passed by it while exercising quasi-judicial functions, would no doubt facilitate the exercise of its jurisdiction by the appellate or supervisory authority. But the other considerations, referred to above, which have also weighed with this Court in holding that an administrative authority must record reasons for its decision, are of no less significance. **These considerations show that the recording of reasons by an administrative authority serves a salutary purpose, namely, it excludes chances of arbitrariness and ensures a degree of fairness in the process of decision making.** The said purpose would apply equally to all decisions and its application cannot be confined to decisions which are subject to appeal, revision or judicial review. **In our opinion, therefore, the requirement that reasons be recorded should govern the decisions of an administrative authority exercising quasi-judicial functions irrespective of the fact whether the decision is subject to appeal, revision or judicial review.** It may, however, be added that it is not required that the reasons should be as elaborate as in the decision of a court of law. The extent and nature of the reasons would depend on particular facts and circumstances. **What is necessary is that the reasons are clear and explicit so as to indicate that the authority has given due consideration to the points in***



controversy. The need for recording of reasons is greater in a case where the order is passed at the original stage. The appellate or revisional authority, if it affirms such an order, need not give separate reasons if the appellate or revisional authority agrees with the reasons contained in the order under challenge.

37. *Having considered the rationale for the requirement to record the reasons for the decision of an administrative authority exercising quasi-judicial functions we may now examine the legal basis for imposing this obligation. While considering this aspect the Donoughmore Committee observed that it may well be argued that there is a third principle of natural justice, namely, that a party is entitled to know the reason for the decision, be it judicial or quasi-judicial. The Committee expressed the opinion that “there are some cases where the refusal to give grounds for a decision may be plainly unfair; and this may be so, even when the decision is final and no further proceedings are open to the disappointed party by way of appeal or otherwise” and that “where further proceedings are open to a disappointed party, it is contrary to natural justice that the silence of the Minister or the Ministerial Tribunal should deprive them of the opportunity”. (p. 80) Prof. H.W.R. Wade has also expressed the view that “natural justice may provide the best rubric for it, since the giving of reasons is required by the ordinary man's sense of justice”. (See Wade, Administrative Law, 6th edn. p. 548.) In Siemens Engineering Co. case [(1976) 2 SCC 981 : 1976 Supp SCR 489] this Court has taken the same view when it observed that “the rule requiring reasons to be given in support of an order is, like the principles of audi alteram partem, a basic principle of natural justice which must inform every quasi-judicial process”. This decision proceeds on the basis that the two well known principles of natural justice, namely (i) that no man should be a judge in his own cause, and (ii) that no person should be judged without a hearing, are not exhaustive and that in addition to these two principles there may be rules which seek to ensure fairness in the process of decision-making and can be regarded as part of the*



principles of natural justice. This view is in consonance with the law laid down by this Court in A.K. Kraipak v. Union of India [(1969) 2 SCC 262 : (1970) 1 SCR 457] wherein it has been held : (SCR pp. 468-69 : SCC p. 272, para 20)

*“The concept of natural justice has undergone a great deal of change in recent years. In the past it was thought that it included just two rules namely : (i) no one shall be a judge in his own cause (nemo debet esse judex propria causa), and (ii) no decision shall be given against a party without affording him a reasonable hearing (audi alteram partem). Very soon thereafter **a third rule was envisaged and that is that quasi-judicial enquiries must be held in good faith, without bias and not arbitrarily or unreasonably.** But in the course of years many more subsidiary rules came to be added to the rules of natural justice.”*

38. *A similar trend is discernible in the decisions of English courts wherein it has been held that natural justice demands that the decision should be based on some evidence of probative value. (See : R. v. Deputy Industrial Injuries Commissioner ex p. Moore [(1965) 1 QB 456 : (1965) 1 All ER 81] ; Mahon v. Air New Zealand Ltd. [1984 AC 648 : (1984) 3 All ER 201])*
39. ***The object underlying the rules of natural justice “is to prevent miscarriage of justice” and secure “fair play in action”. As pointed out earlier the requirement about recording of reasons for its decision by an administrative authority exercising quasi-judicial functions achieves this object by excluding chances of arbitrariness and ensuring a degree of fairness in the process of decision-making. Keeping in view the expanding horizon of the principles of natural justice, we are of the opinion, that the requirement to record reason can be regarded as one of the principles of natural justice which govern exercise of power by administrative authorities. The rules of natural justice are not embodied rules. The extent of their application depends upon the particular statutory framework whereunder jurisdiction has been conferred on the administrative authority. With regard to the exercise of***



a particular power by an administrative authority including exercise of judicial or quasi-judicial functions the legislature, while conferring the said power, may feel that it would not be in the larger public interest that the reasons for the order passed by the administrative authority be recorded in the order and be communicated to the aggrieved party and it may dispense with such a requirement. It may do so by making an express provision to that effect as those contained in the Administrative Procedure Act, 1946 of U.S.A. and the Administrative Decisions (Judicial Review) Act, 1977 of Australia whereby the orders passed by certain specified authorities are excluded from the ambit of the enactment. Such an exclusion can also arise by necessary implication from the nature of the subject matter, the scheme and the provisions of the enactment. The public interest underlying such a provision would outweigh the salutary purpose served by the requirement to record the reasons. The said requirement cannot, therefore, be insisted upon in such a case.

40. *For the reasons aforesaid, it must be concluded that except in cases where the requirement has been dispensed with expressly or by necessary implication, an administrative authority exercising judicial or quasi-judicial functions is required to record the reasons for its decision.”*

7. Summarizing the principles of law, the Hon’ble Supreme Court in the case of ***Kranti Associates (P) Ltd. v. Masood Ahmed Khan, reported as (2010) 9 SCC 496***, had held as under -

“46. *The position in the United States has been indicated by this Court in S.N. Mukherjee [(1990) 4 SCC 594 : 1990 SCC (Cri) 669 : 1991 SCC (L&S) 242 : (1991) 16 ATC 445 : AIR 1990 SC 1984] in SCC p. 602, para 11 : AIR para 11 at p. 1988 of the judgment. This Court held that*



in the United States the courts have always insisted on the recording of reasons by administrative authorities in exercise of their powers. It was further held that such recording of reasons is required as “the courts cannot exercise their duty of review unless they are advised of the considerations underlying the action under review”. In S.N. Mukherjee [(1990) 4 SCC 594 : 1990 SCC (Cri) 669 : 1991 SCC (L&S) 242 : (1991) 16 ATC 445 : AIR 1990 SC 1984] this Court relied on the decisions of the US Court in Securities and Exchange Commission v. Chenery Corpn. [87 L Ed 626 : 318 US 80 (1942)] and Dunlop v. Bachowski [44 L Ed 2d 377 : 421 US 560 (1974)] in support of its opinion discussed above.”

47. Summarizing the above discussion, this Court holds:

(a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.

(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 lifeblood 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.

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

(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

(l) 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.

(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor [(1987) 100 Harvard Law Review 731-37] .)

(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torija



v. Spain [(1994) 19 EHRR 553] EHRR, at 562 para 29 and Anya v. University of Oxford [2001 EWCA Civ 405 (CA)] , wherein the Court referred to Article 6 of the European Convention of Human Rights which requires, “adequate and intelligent reasons must be given for judicial decisions”.

(o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of “due process”.

8. From the aforequoted judgments it is apparent that providing reasons by an administrative authorities is necessary to repel any shadow of arbitrariness.

9. In the present case, the order dated 24.03.2022 was communicated to the petitioner vide impugned letter dated 26.03.2022 without providing the aforesaid order passed by the Collector on the application preferred by the petitioner on 02.03.2022. The action of the respondents in not providing a well reasoned and speaking order for rejection of the application of the petitioner cannot be sustained and is accordingly vitiated. Even the impugned letter dated 26.03.2022 is cryptic and non-speaking, which affects the rights of a petitioner, which cannot be sustained and is accordingly quashed and set aside.

10. The matter is remitted back to the Mineral Development Officer, Shaikhpura/ concerned authority who will



pass a fresh reasoned order in accordance with law after considering the representation of the petitioner and after hearing the petitioner within four weeks from the date of receipt/production of a copy of this order. The aforesaid order must be communicated to the petitioner.

11. The application stands disposed of.

12. Pending Interlocutory Application(s), if any, shall stand disposed of.

(Sandeep Kumar, J)

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