



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

WRIT PETITION NO.1796 OF 2025

(Shriram s/o Rangrao Dhote Vs. Additional Commissioner, Nagpur and others)

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

Court's or Judge's orders.

Mr. S. S. Dhengale, Advocate for Petitioner.
Ms. Mrunal S. Naik, AGP for Respondent Nos.1 to 3 & 7/State.

CORAM: ANIL L. PANSARE, J.

DATE: 2nd APRIL, 2025.

1. Heard. The challenge is to order dated 26.03.2025 passed by respondent no.1 – Additional Commissioner, Nagpur.

2. The learned counsel for petitioner submits that the respondent no.1 has not assigned any reason while rejecting application filed by the petitioner seeking stay to the order dated 03.03.2025 passed by the Collector, Nagpur disqualifying petitioner as Member and Sarpanch of Gram Panchayat, Borgaon (Bu), Post Adasa, Tahsil Kalmeshwar, District Nagpur.

3. The learned AGP though made an attempt to justify the order, the fact remains that the order is sans reasons. The Hon'ble Supreme Court in the case of ***Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota v. Shukla and Brothers, [(2010)***

4 SCC 785] while highlighting importance of reasoned order 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 order/judgment. The Hon’ble Apex Court proceeds to observe that failure to give reasons amounts to denial of justice and assigning reasons is a basic rule of law and is a mandatory requirement of procedural law.

4. Accordingly, the writ petition is allowed. The order dated 26.03.2025 passed by respondent no.1 –

Additional Commissioner, Nagpur thereby rejecting the application of the petitioner in V.P.A. Appeal No.106/2024-25 is quashed and set aside. The respondent no.1 shall consider the application seeking stay afresh in accordance with law and what has been stated in the body of the order.

5. The petitioner shall appear before the respondent no.1 on 04.04.2025.

6. All concerned shall act upon authenticated /uploaded copy of this order.

(ANIL L. PANSARE, J.)

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