



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

Writ Petition No. 2212 of 2025

[Shahistabi Sheikh Rauf ..vs.. Additional Commissioner,
Amravati Division, Amravati 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. P. A. Kadu, Advocate for the petitioner
Ms. P. C. Bawankule, AGP for the State

CORAM : ANIL L. PANSARE J.

DATED : 23-04-2025

Heard.

2. The petitioner has filed appeal under Section 33(5) of the Maharashtra Village Panchayats Act, 1959 challenging order passed by the Collector, Washim thereby setting aside the election in which petitioner was elected as Up-Sarpanch. In the appeal, the petitioner moved application seeking stay to the impugned order. The argument is that the application is rejected without assigning any reasons, much less, valid reasons.

3. The order impugned reads as under :

“Heard counsel for the appellant. The request made to stay the order is refused.”

4. As could be seen, 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/s Shukla and Brothers, [(2010) 4 SCC 785]*** highlighting importance of reasoned order/judgment held as under :-

“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 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.

5. As such, learned Assistant Government Pleader has made an attempt to justify the order. However, since the order has been passed without assigning any reason, the same is unsustainable in the light of judgment referred to above.

6. The petition is partly allowed. Order dated 8-4-2025 passed by respondent no. 1 on application for grant of stay is quashed and set aside. Application seeking stay is restored to the file of Additional Commissioner, Amravati Division, Amravati for consideration afresh in accordance with law and what has been stated in the body of the order.

7. The parties shall appear before the Additional Commissioner on scheduled date/s.

(Anil L. Pansare, J.)