



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

**Writ Petition No.2305 of 2025**

*Manohar Sitaram Rathod*

vs.

*State of Maharashtra, through Additional Commissioner, Amravati Division, Amravati  
and others*

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*Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.*

*Court's or Judge's Orders*

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*Mr. Rahul Shinde, Advocate for the Petitioner.*

*Ms. K.P. Marpakwar, A.G.P. for Respondent Nos.1 to 5.*

**CORAM** : **ANIL L. PANSARE, J.**

**DATE** : **28<sup>th</sup> APRIL, 2025.**

The argument is that without assigning any reason, the request of the petitioner seeking stay to the order impugned before the Additional Commissioner has been rejected.

02. I have gone through the order to find that indeed no reason has been assigned by the Additional Commissioner to reject the request made by the petitioner to stay the effect of the order impugned.

03. The Additional Commissioner has noted that order dated 15/04/2024 passed by the Deputy Collector, has been challenged whenever the request made by the petitioner to regularize encroachment has been rejected and further that there should not be contempt of the order passed by the Supreme Court and that the petitioner has made request to stay the order. Thereafter, a one line order is passed that 'the oral request so made is refused'.

04. The contention of the petitioner is that similarly placed persons have been treated differently in the sense, some of the persons, who had encroached upon a land and continued for substantial time, their encroachments have been regularized, whereas, the petitioner has been given different treatment. Thus, in-discrimination has been pleaded. There

is nothing in the order to indicate that, this aspect has been considered.

05. The learned A.G.P. made an attempt to support the order on the ground that no written request was made. In support, she has relied on the judgment passed by the Division Bench of this Court in the case of *Shri Balwantrai Harilal Parekh, Since deceased through legal heirs Paresh Balwantrai Parekh and others vs. State of Maharashtra and others – 2018 SCC OnLine Bom 5848* with connected petitions. The Division Bench took note of the delay in taking up the appeals/revision applications etc. and applications filed for interim relief under the provisions of the Maharashtra Land Revenue Code, 1966. Ultimately, the Division Bench formulated a procedure to be followed in processing appeals/revision applications etc. In doing so, the Court directed the State Government to dispose of the appeals/revision applications and interim applications, as expeditiously as possible.

06. The learned A.P.P. submits that though not expressly, the Division Bench has impliedly held that the applications should be filed.

07. I do not find that the Division Bench has directed the litigants to file applications. The prime focus was on the delay in taking up the proceedings before the State Government. The Division Bench took note of delay and, accordingly, the procedure has been evolved so that the proceedings are disposed of in timely manner. In doing so, the Division Bench held that interim applications should be decided expeditiously. This cannot be said to be a direction given to the litigants to file applications. In any case, if respondent No.1 was of the view that in absence of application, interim relief could not have been granted, it ought to have rejected the oral request by assigning the aforesaid reason.

08. The experience shows that the authorities of the State Government while dealing with the interim applications do not assign reasons and, accordingly, in many matters, the orders are quashed and set aside solely on the ground that no reasons have been assigned. In fact, the judgment relied upon by the learned A.G.P. itself indicates that while passing interim relief, the authorities concerned while should briefly set out

the case of the applicant/appellant and shall specify reasons in short for granting an *ex parte* order. This would mean that while rejecting requests as well, the authorities should assign reasons.

09. The Supreme Court in the case of *Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota vs. Shukla and Brothers. - (2010) 4 SCC 785*, highlighting importance of reasoned order/judgment 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."*

10. 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.

11. In the present case, respondent No.1 has not assigned any reason much less valid reasons to refuse the request of stay made by the petitioner. The order is thus unsustainable.

12. The writ petition is, accordingly, partly allowed. The order dated 16/04/2025 passed by respondent No.1-Additional Commissioner, Amravati Division, Amravati in Revision Application No.155/LEN-39/Panchala/Washim/2025 is quashed and set aside. The matter is remanded back to the Additional Commissioner, Amravati Division, Amravati to consider the request of stay afresh in accordance with law and what has been stated in the body of the order. The petitioner shall appear before the Additional Commissioner, Amravati on 2<sup>nd</sup> May, 2025. The petition is disposed of in the above terms with no order as to costs.

**(Anil L. Pansare, J.)**

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