



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

Writ Petition No. 3045 of 2025

[Rahul Rajendra Chore and anr. ..vs.. Dattaswami Nagorao Sarad
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 petitioners
Mr. S. S. Khadse, Advocate for caveators/respondent nos. 1 to 11
Mrs. M. S. Naik, AGP for the State/respondent nos. 14 and 15

CORAM : ANIL L. PANSARE J.

DATED : 23-06-2025

Heard.

2. The challenge is to order dated 22-4-2025 passed by respondent no. 15 - Sub Divisional Officer, Chandur Railway thereby rejecting the application filed by the petitioners to restore the revision.

3. Learned counsel for the petitioners submits that the revision was fixed for hearing before respondent no. 15 on 18-3-2025. The revision was preponed to 11-3-2025 and on that day, the petitioners received WhatsApp message from the office of respondent no. 15 mentioning therein that on 11-3-2025, there would be no hearing and the revision will be taken up on 25-3-2025. Despite such status, respondent no. 15 heard the matter on 11-3-2025 and vacated the stay granted to the order passed by Tahsildar, which was impugned before respondent no. 15. The revision was then heard on 25-3-2025. The petitioners were absent. Accordingly, respondent no. 15 noted that petitioners were absent on last two dates and dismissed the revision as not prosecuted.

4. The argument is that on the basis of message received from respondent no. 15, the petitioners remained absent on 11-3-2025 and therefore, cannot be blamed for

absence. So far as absence of petitioners on 25-3-2025 is concerned, learned counsel for the petitioners submits that the counsel was held up in Civil Court and, therefore, could not reach office in time.

5. The petitioners filed application for restoration of revision, which came to be rejected without assigning any reason, much less sufficient reasons. One line order reads as “the application is dismissed”.

6. As such, learned counsel for respondent nos. 1 to 11 as also learned Assistant Government Pleader submit that there is no dispute that on 25-3-2025, the petitioners were absent and therefore, respondent no. 15 has rightly dismissed the revision. However, the question is whether it was the only reason why revision came to be dismissed or whether the absence of petitioners as noted for 11-3-2025 also weighed in the mind of respondent no. 15. This could have been clarified by respondent no. 15 while passing order on application seeking restoration of revision. Unfortunately, respondent no. 15 has not assigned any reason and, therefore, it is not known whether the rejection of revision was only on account of absence on 25-3-2025 or also on 11-3-2025. The order is further silent on the point of difficulty put forth by the petitioners to attend the matter in time.

7. Respondent no. 15 was duty bound to assign reasons while rejecting application seeking restoration of application. The 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]*** while 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 Supreme Court, in so many words, has explained the importance of reasoned order/judgment. The Supreme Court proceeds to observe that failure to give reasons amounts to denial of justice and assigning reasons is a basic rule and is a mandatory requirement of procedural law.

8. Considering above and since the order impugned is silent on reasons is, therefore, unsustainable. The matter will have to be remanded back to respondent no. 15 to consider it afresh in accordance with law.

9. Petition is accordingly partly allowed. Order dated 22-4-2025 passed by respondent no. 15 on application for restoration is quashed and set aside. The matter is remanded back to respondent no. 15 for decision on application for restoration afresh in accordance with law.

10. The parties shall appear before respondent no. 15 on 1-7-2025 at 11.00 a.m.

(Anil L. Pansare, J.)