



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO.3071/2025

Devendra Premdas Gedam .Vs. Additional Commissioner, Nagpur 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. B. Dhandale, Advocate for petitioner.
Mr. N. S. Autkar, A.G.P. for respondent Nos. 1 to 3.
Mr. S. P Bhandarkar, Advocate for respondent No.4.

CORAM : ANIL L. PANSARE, J.

DATE : JULY 17, 2025

On 18.06.2025, following order was passed.

Heard.

2] The argument is that without assigning any reason, much less a valid reason, the appeal filed by the petitioner, challenging the order of disqualification as Sarpanch, passed by respondent no.2, is dismissed by respondent no.1.

3] I have gone through the impugned order, which runs into six pages, of which, first 5 ½ pages refer to the facts, submissions made and the contents of order passed by respondent no.2. In the concluding paragraph, respondent no.1 has mentioned that the matter was heard finally on 2/6/2025. Both parties were present. They were heard. Record and order passed by respondent no.2 is perused, and that respondent no.1 is in agreement with the order passed by respondent no.2.

4] Thus, respondent no.1 has not assigned any reason as to why is he in agreement with the order passed by respondent no.2, and how the grounds raised by the petitioner do not make out a case.

5] The learned A.G.P. made an attempt to support the order by contending that the relevant facts and observations, made by respondent no.2, have been taken note of, and thereafter, respondent no.1 has shown his agreement with the order, so passed, by respondent no.2, however, mere reproduction of impugned order is not sufficient. Respondent no.1 should have dealt with the grounds put forth by the petitioner and assigned his own reasons to justify why

and how the grounds raised would not require reconsideration of the order passed by respondent no.2.

6] The Hon'ble Supreme Court in the case of Assistant Commissioner, Commercial Tax Department, Works Contract And Leasing, Kota Vs. Shukla And Brothers [(2010) 4 SCC 785], while highlighting importance of reasoned order/judgment, held in the following terms :

“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.”

7] 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] Issue notice to the respondents returnable on 16/7/2025.

9] The learned A.G.P. waives notice for respondent nos. 1 to 3.

10] Till then, there shall be stay to the impugned order.”

2. As could be seen, respondent No.2 has passed the impugned order without assigning reasons.

3. As such, the A.G.P for respondent Nos. 1 to 3 and counsel appearing for respondent No.4 made an attempt to justify the order but they failed to show that respondent No.1, while confirming the order passed by respondent No.2, passed a reasoned order. That being so and in the light of the law laid down by the Supreme Court in the case of *Assistant Commissioner, Commercial Tax Department, Works Contract And Leasing, Kota*, supra, order impugned is unsustainable.

4. The writ petition is accordingly partly allowed. Impugned order dated 10.06.2025 in V.P.A. No.21/2025-26, passed by Additional Commissioner, Nagpur is quashed and set aside. Appeal is remanded back to respondent No.1 for consideration afresh, in accordance with law and in the light of what has been stated in the body of order. Appeal, V.P.A. No.21/2025-26 is restored to the file of respondent No.1.

Parties shall appear before the respondent No.1 on 22.07.2025. Respondent No.1 shall decide the appeal, as early as possible and preferably within two weeks from the date of appearance of the parties.

Status of the petitioner, as existed pending appeal, shall stand restored. The petitioner shall, however, not take major policy decisions.

No order as to costs.

(Anil L. Pansare, J.)