



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

WRIT PETITION NO. 2253 OF 2025

Anilkumar s/o Tejlal Soyam
Vs.

State of Maharashtra, Thru. Its Principal Secretary, Rural Development & Panchayat Raj,
Mantralaya, Mumbai and Ors.

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

Court's or Judge's Orders.

Mr. H.S. Chitaley, Advocate for petitioner.
Mr. S.C. Joshi, AGP for respondent Nos.1 to 3/State.
Mr. Avinash Kapgate, Advocate for respondent No.4.
Mr. S.P. Rajurkar, Advocate h/f Mr. Anand Parchure, Advocate
for respondent No.5.
Mr. H.H. Jichkar, Advocate for respondent No.6.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 26.02.2026

Heard learned counsel for the petitioner.

2. The petitioner's challenge is to order dated 24.03.2025 passed by the respondent No.2 in proceedings of appeal under Section 39(3) of the Maharashtra Village Panchayat Act, 1959 (for short 'the Act of 1959'). The petitioner has also challenged order dated 14.01.2025 passed by the respondent No.3 – Additional Commissioner, Nagpur Division, Nagpur under Section 39(1) of the Act of 1959.

3. The primary contention canvassed on behalf of the petitioner is the impugned order passed by the respondent No.2 – the Hon'ble Minister is non-speaking and unreasoned since the order does not reflect the consideration of the contentions canvassed on behalf of the petitioner/appellant before the Minister.

4. In support of his submissions, he invited attention to the reasoning part of the impugned order at page 91, and submitted that there are no reasons for arriving at the conclusion for rejecting the appeal filed by the petitioner. On this limited aspect, the learned counsel for the respondents advanced submissions and stated that the material which was placed before the Hon'ble Minister was similar to the material which was considered by the Additional Commissioner and therefore, similar inferences were required to be drawn even though elaborate reasons are not recorded. Learned counsel for respondent No.5 also submitted that the order in appeal passed by the Hon'ble Minister being in the nature of administrative decision, there was no further requirement of giving any elaborate reasons.

5. While considering the controversy with this limited perspective, I find substance in the contentions canvassed on behalf of petitioner that there are no reasons

recorded by the respondent No.2 – the Hon'ble Minister, while passing the impugned order.

6. Perusal of the order reveals that the respondent No.2 has only observed that no new grounds are raised by the appellant than those which were raised before the respondent No. 1- Additional Commissioner and therefore, interference is not made with the order passed by the Additional Commissioner. In my view, these are not sufficient reasons indicating the consideration of the controversy and grounds raised by the parties.

7. It is trite law that reasons are heart and soul of an order and order must record reasons, so that the higher authorities should be in a position to analysis what exactly was considered by the authority while passing the order. Reliance can be placed on the judgment of the Hon'ble Supreme Court in the matter of *M/s. Kranti Associates Pvt. Ltd., and anr. Vs. Masood Ahmed Khand and Ors.*, reported in *2010 (9) SCC 496*, in which the Hon'ble Supreme Court has elucidated the position with respect to requirement of giving reasons.

8. In view of the factual and legal aspects, the impugned order passed by the respondent No.2 deserves to be quashed and set aside on this count alone. Hence, I pass the following order :

ORDER

- (i) Writ petition is partly allowed.
- (ii) The order dated 24.03.2025 passed by the respondent No.2 is quashed and set aside.
- (iii) The matter is remanded to the respondent No.2 – the Hon'ble Minister of Rural Development, Maharashtra State, for deciding the appeal under Section 39(3) of the Act of 1959, afresh after giving proper opportunity of hearing to all the parties concerned.
- (iv) It is clarified that the issues on merits are kept open.
- (v) The interim relief granted by this Court by order dated 24.04.2025 shall continue to operate during pendency of the appeal before the respondent No.2.
- (vi) The respondent No.2 is directed to decide the appeal under Section 39(3) of the Act of 1959, within the time lines as prescribed by law.

9. Writ petition is disposed of in the above terms.

(Prafulla S. Khubalkar, J.)