IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No. 187 of 2016

Decided on: 25.04.2026

Joginder Pal Sharma and Anr. ....Appellants.

Versus

Bishan Dass and Ors. ...Respondents.

Coram

The Hon'ble Mr. Justice Gurmeet Singh Sandhawalia, Chief Justice.

The Hon'ble Mr. Justice Bipin C. Negi, Judge.

Whether approved for reporting?[1]

For the appellants	:	Mr. B.M. Chauhan, Senior Advocate, with Ms. Kamakshi Tarlokta, Advocate.
For the respondents	:	Mr. Pranay Pratap Singh, Additional Advocate General, for respondent No.2.
	:	Mr. Mohit Thakur, Advocate for respondents No. 1 and 7 to 10.

G.S. Sandhawalia, Chief Justice *(Oral)*

The present Letters Patent Appeal has been filed by Lalman Ram, who was respondent No. 2 in CWP No. 258

---

[1] *Whether reporters of the local papers may be allowed to see the judgment?*

(2026:HHC:14101-DB)

of 2007, titled ***Bishan Dass*** vs. ***Director Consolidation of Holdings & others***. The order passed in his favour dated 06.11.2006, passed by the Director, Consolidation of Holdings, Himachal Pradesh, Shimla, was set aside by the learned Single Judge. The same primarily, was done only on account of the fact that while exercising the powers under Section 54 of H.P. Consolidation of Holdings (Prevention of Fragmentation) Act 1971, (for short the 'Act') the said authority had exceeded its jurisdiction by calling for a report and had not examined the orders which were under challenge or the result of an irregular exercise of jurisdiction.

2. While placing reliance upon various judgments of the Hon'ble Apex Court, the learned Single Judge, thus, came to the conclusion that the Director while examining the record of the case under Section 54 of the Act for the purpose of satisfying himself as to the regularity of the proceedings, decided by the subordinate authority, could not exercise revisional jurisdiction or fact-finding authority. It was further held that he could not arrive at a conclusion that, prior to consolidation, the Khasra number in question was under the ownership and possession of Lalman Ram in the absence of any infirmity. Resultantly, the said order was set aside.

(2026:HHC:14101-DB)

3. Learned Senior Counsel for the appellant has accordingly argued that the learned Single Judge should have remanded the matter, rather than setting aside the same, and should have directed the authority to pass a fresh order, in accordance with law. The said argument is opposed by Mr. Mohit Thakur, Advocate and submitted that the learned Single Judge has passed the order correctly and that the same is liable to be upheld.

4. We have gone through the record and find that the order of the Director, as such, apparently suffers from infirmity, since, while dealing with the orders dated 23.08.2005 and 27.04.2006, passed by the Settlement Officer and the Additional Director, Consolidation of Holdings, Himachal Pradesh, he called for a report from the Consolidation Officer, Bilaspur, and came to the conclusion that a major portion of Khasra No. 17/1 was in the possession of Lalman Ram. He further observed that the passage was leading to *abadi* and that even prior to consolidation, the said Khasra number was under the ownership and possession of the petitioner, therefore, the objections were accepted. The impugned orders were never

(2026:HHC:14101-DB)

tested on the touchstone of reasoning given by the Director. In these circumstances, we are of the considered opinion that no exception can be found in the order of the learned Single Judge, since the reasoning, as such, has been given as to why the said orders need to be interfered with.

5. However, if one goes back to the order dated 27.04.2006, passed by the Additional Director, it suffers from the same infirmity, being a non-speaking order, passed by the statutory authority. The relevant portion, which pertains to an appeal filed by the present appellant, reads as follows:-

> *"Arguments advanced by the counsel for the petitioner were heard, besides perusing the orders passed by the Settlement Officer, Hamirpur in Case No.1/2003, dated 23.08.2005. This apart, the documents included/added in the instant case file have also been gone through. The decision/ orders passed by the Settlement Officer, Consolidation of Holdings, Hamirpur are exhaustive. After having one through the documents produced and orders passed b the Settlement Officer, Hamirpur. I have come to the conclusion that the appeal is not based on the facts, and as such the same is dismissed. The stay ordered on 28.10.2005 is revoked. A copy of this order be sent to the Consolidation of Holdings Officer, Bilaspur for information.*
>
> *Appeal is not based on the facts and the same is dismissed. The file be consigned to General Record room after completion as per procedure."*

(2026:HHC:14101-DB)

6. It is, thus, apparent that even the Additional Director has not applied his mind to the facts of the case. The modification had taken place in the order dated 23.08.2005, passed by the Settlement Officer, whereby he had modified the earlier order dated 06.12.2002, passed by the Consolidation Officer and interfered with the same as the land had been kept common and had duly partitioned the same. In such circumstances, we are of the considered opinion that while placing reliance upon the judgment of the Hon'ble Apex Court, wherein it has been held that even every administrative order passed has to contain reasons. An order passed by a statutory authority also than has to contain reasons so that the appellate authority can effectively examine the same.

7. Reference can be made to the judgment passed by the Apex Court in ***State of Punjab*** *Vs.* ***Bhag Singh, AIR 2004 SC 1203,*** wherein the Apex Court was dealing with the issue of dismissal of an appeal against the acquittal which did not contain any reasons. Resultantly, it was held that reasons introduce clarity in the order especially when the order is amenable to further avenue of challenge. Thus, the

(2026:HHC:14101-DB)

desirability of a speaking order was highlighted to come to the conclusion that the reasons are live link between the mind of the decision taker to the controversy in question and the decision or conclusion arrived at. The right to reasons being indispensable part of the sound judicial systems and the rationale is that the affected party can know why the decision has gone against him for the salutary reasons and it was held that inscrutable face of a sphinx is ordinarily incongruous with a judicial or quasi-judicial performance.

8. Similarly in ***Divisional Forest Officer Kothagudem*** Vs. ***Madhusudhan Rao*** **(2008) 3 SCC 469,** while upholding the order of the Administrative Tribunal, it was noticed that the interference was justified as the Appellate Authority had to give reasons for rejecting the appeal and similar duty was cast on the Revisional Authority being the Departmental Authorities. It was held that though no detailed reasons are required to be given, but some brief reasons should be indicated even in an order affirming the views of the lower forum, so that, a person is entitled to know, at least, the mind of the authorities who dismissed his appeal or revision.

(2026:HHC:14101-DB)

9. Lastly in ***Kranti Associates Pvt. Ltd.*** Vs. ***Masood Ahmed Khan and others*** **(2010) 9 SCC 496,** a similar view has been taken. It is apt to reproduce para 47 of the said judgment herein:

> *"47. Summarizing the above discussion, this Court holds:*
>
> *a. In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.*
>
> *b. A quasi-judicial authority must record reasons in support of its conclusions.*
>
> *c. Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.*
>
> *d. Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.*
>
> *e. Reasons reassure that discretion has been exercised by the decision maker on relevant grounds and by disregarding extraneous considerations.*
>
> *f. Reasons have virtually become as indispensable a component of a decision making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.*
>
> *g. Reasons facilitate the process of judicial review by superior Courts.*
>
> *h. The ongoing judicial trend in all countries committed to rule of law and constitutional*

governance is in favour of reasoned decisions based on relevant facts. This is virtually the life blood of judicial decision making justifying the principle that reason is the soul of justice.

i. Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

j. Insistence on reason is a requirement for both judicial accountability and transparency.

k. If a Judge or a quasi-judicial authority is not candid enough about his/her decision making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

l. Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or `rubber-stamp reasons' is not to be equated with a valid decision making process.

m. It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision making not only makes the judges and decision makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor)

n. Since the requirement to record reasons emanates from the broad doctrine of fairness in decision making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See (1994) 19 EHRR 553, at 562 para 29 and Anya vs. University of Oxford, 2001 EWCA Civ 405, wherein the Court referred to Article 6 of European

> *Convention of Human Rights which requires, "adequate and intelligent reasons must be given for judicial decisions".*
>
> *o. In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "Due Process".*

10. In the present case, the impugned order before the learned Single Judge as much did not disclose any such reason and, therefore, interference had to be done. Therefore, we are of the considered opinion that the proceedings are liable to be relegated to the Additional Director, Consolidation of Holdings, Himachal Pradesh, for decision afresh, rather than give the chapter a closure as has been done by the learned Single Judge.

11. Resultantly, we restore case No. 15 of 2005, titled as, Lalman Ram Vs. Bishan Dass, before the Additional Director, Consolidation of Holdings, Himachal Pradesh, for decision afresh on merit. Since the matter has been pending for a long time, the authority is expected to decide the case within a period of three months from the date of receipt of this order.

12. The appeal is, accordingly, disposed of, so also the pending miscellaneous applications, if any.

13. Needless to say that the said authority shall consider all the contentions to be raised by the appellant.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

25th April, 2026
(sushma)