



CWP-7773-2026

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

160

CWP-7773-2026

Date of decision:16.03.2026

MANOJ KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Manuj Nagrath, Advocate
for the petitioner.

Mr. Siddharth Sandhu, AAG, Punjab.

Ms. Anu Chatrath, Senior Advocate with
Mr. Ratik Chatrath Kapur, Advocate
for respondent No.3-BDA.

SUVIR SEHGAL, J.

1. This petition has been filed, *inter alia*, assailing order dated 12.11.2025, Annexure P-27, passed by appellate authority-respondent No.2, under the Punjab Apartment and Property Regulation Act, 1995 (for short “1995 Act”). Petitioner has also sought quashing of order dated 30.11.2022, Annexure P-24, passed by Estate Officer, Bathinda Development Authority (BDA), respondent No.3, whereby application, Annexure P-7, submitted for regularization of a colony situated at Refinery Road, Village Ramsara, has been rejected.

**CWP-7773-2026****-2-**

2. Mr. Manuj Nagrath, counsel for the petitioner states that petitioner is the owner of land falling within the revenue estate, Village Ramsara as per jamabandi for the year 2005-06. He sold the land to six different persons belonging to economically weaker sections by virtue of four separate sale deeds, Annexures P-1 to P-4, for residential purposes and some construction was raised thereon. He states that when BDA called upon petitioner to pay composition fee for construction or to face prosecution, petitioner gave an application, Annexure P-7, for regularization of colony and deposited the requisite composition fee under policy dated 21.08.2013, Annexure P-6, issued by Government for regularization of unauthorized colonies. Counsel states that a chain of correspondence ensued and after nine years, application was rejected by respondent No.3 vide impugned order dated 30.11.2022, Annexure P-24. Counsel states that petitioner filed an appeal under Section 33 of 1995 Act before the appellate authority, which has been rejected vide cryptic order, Annexure P-27. Mr. Nagrath has argued that appellate authority has neither applied its mind nor assigned any reasons for rejection of appeal. It is his argument that both the authorities have erred in considering the application under the subsequent policy, which is not applicable.

3. Writ petition has been contested by the respondents. Ms. Anu Chatrath, learned senior counsel for respondent No.3-BDA has argued that various deficiencies were pointed out to petitioner, which he failed to remove. She asserts that land falls within the notified master plan of Rama Mandi and commercial structures have been raised instead of residences.



CWP-7773-2026

-3-

4. Having heard counsel for the parties, this Court is of the view that impugned order, Annexure P-27, deserves to be set aside on the short ground that it has been passed without giving any reasons in its support. The effective portion of impugned order, Annexure P-27, deserves to be noticed and is reproduced hereunder:-

“I have gone through the arguments tendered by both the parties and examined the case in the background of policy dated 21.08.2013. Therefore, I, Appellate Authority-cum-Chief Administrator, PUDA, in exercise of the powers conferred upon me under Notification No. 08/01/2023-4HG1/353 dated 20.01.2023, pronounce that the appeal is hereby dismissed as the order passed by the office of Competent Authority-cum-Chief Administrator, BDA is well reasoned, lawful and as per the policy dated 21.08.2013. Thus, the rejection.”

5. A perusal of the above reproduced extract shows that except for making a reference to policy dated 21.08.2013, Annexure P-6, appellate authority has not given any reason for dismissing the appeal and upholding the order passed by competent authority. Therefore, it must be held that order passed by respondent No.2 does not satisfy the test of a speaking order. The requirement of recording of reasons and communication thereof is an integral part of concept of fair procedure. In **M/s Kranti Associates Pvt. Ltd. and another Versus Sh. Masood Ahmed Khan and ors. (2010) 9 SCC 496**, Supreme Court has held that reasons have virtually become an indispensable component of decision making process and facilitate the process of judicial review by superior Courts. It has observed that a judicial authority must record reasons in support of its conclusion as it operates as a valid restraint on any possible arbitrary exercise of power. Apex Court is of



CWP-7773-2026

-4-

the view that insistence on reasoning is a requirement for both judicial accountancy as well as transparency.

6. In *M/s Mangalore Ganesh Beedi Works Vs. Commissioner of Income Tax, Mysore and anr. (2005) 2 SCC 329*, it has been observed that although in an order of affirmation, repetition of reasons may not be necessary, but even then the arguments advanced, points urged have to be dealt with and reasons for affirmation have to be indicated, though in appropriate cases they may be briefly stated. As the impugned appellate order, Annexure P-27, is bereft of reasons and there is a non-application of mind, it cannot be sustained.

7. In view of the above discussion, impugned order, Annexure P-27, passed by appellate authority is set aside and the matter is remitted to respondent No.2 to decide it again within a period of four months by passing a reasoned order, after hearing the parties.

8. Petition is disposed of.

9. Parties are directed to appear before Appellate Authority-cum-Chief Administrator, PUDA, respondent No.2, on 10.04.2026, at 10:00 a.m. for further proceedings.

(SUVIR SEHGAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

16.03.2026
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No