
(2009) 09 AHC CK 0237
In the Allahabad High Court
Case No : Writ Petition No. 941 of 2006

Amarnath

APPELLANT

Vs

Deputy Director of Consolidation, Hardoi & Ors.

RESPONDENT

Date of Decision : 09-09-2009

Acts Referred:

Uttar Pradesh Consolidation of Holdings Act, 1953 — Section 48

Citation : (2009) 09 AHC CK 0237

Hon'ble Judges : Anil Kumar, J

Judgement

1. The present writ petition has been filed thereby challenging the order dated 2792006 passed by Deputy Director of Consolidation, Hardoi in Revision No.529, Jagannath v. Umakant and others. Revision No.692, Smt. RamPyari v. Ramesh Chandra and others.

2. Learned counsel for the petitioner submits that the impugned order dated 2792006 passed by Deputy Director of Consolidation, Hardoi is a non speaking order and no reason whatsoever has been given by the respondent No.1 while allowing the Revision Nos.529 and 692 as such the order passed by him is unreasonable and arbitrary, thus is liable to be quashed.

3. I have heard Sri Anurag Narain, learned counsel for the petitioner and learned counsel for the respondents.

4. In brief factual matrix of the present case are to the effect that before the Deputy Director of Consolidation, Hardoi three revisions under section 48 of the Uttar Pradesh Consolidation of Holdings Act, 1953 were filed namely:

(1) Revision No.529, Jagannath v. Umakant and others.

(2) Revision No.692, Smt. Ram Pyari v. Ramesh Chandra and others.

(3) Revision No.697, Amarnath v. Ram Asharey and others.

5. The respondent No.1 had consolidated all the three revisions and thereafter the same was heard and disposed of by means of a common judgment and order

dated 2792006 by which the respondent No.1 has allowed the Revision No.529 and Revision No.692 whereas dismissed the Revision No.697.

6. Order dated 2792006 by which the respondent No.1 has allowed the Revision No. 529 and Revision No.692 was challenged by means of present writ petition.

7. From perusal of the judgment and order dated 2792006 passed by the respondent No. 1, it is crystal clear that no reason whatsoever has been given by the respondent No. 1 while passing the order dated.279200.6 rather the same is cryptic judgment devoid of reasons and without appreciation of rival claims of the parties is unsustainable and arbitrary, in nature.

8. Law is settled that a decision arrived at by any authority without giving any reason is a totally arbitrary decision, it has. been repeatedly held by this Court as well as by the Hon"ble Apex Court that giving of reasons is one of the fundamentals of good administration. Reasons introduce clarity in an order and indicate an application of mind. The respondent ought to have set forth their reasons in their orders, howsoever brief may be, in order to indicate an application of .their mind, all the more,when their orders are amenable to further avenue of challenge.

9. In Breen v. Malgamated Engg. Union reported in 1971 (1) All ER 1148 it was held that "the giving of reasons is one of the fundamentals of good administration." In Alexander Machinery (Dudley) Ltd. v. Crabtree reported in 1974 (4) ICR 120 (NIRC) was observed that "failure to give reasons amounts to denial of justice. Reasons are live links between the mind of the decision taker to the controversy in question and the decision or conclusion arrived at."

10. Reasons substitute subjectivity by objectivity. The emphasis on recording reasons is that if the decision reveals the "inscrutable face of the sphinx it can by its silence, render it virtually impossible for the Courts to perform their appellate function or exercise the power of judicial review in adjudging the validity of the decision. Right to reason is an indispensable part of a sound judicial system, reasons at least sufficient to indicate an application of mind to the latter before Court. Another rationale is that the affected party can know why the decision has gone against him. One of the salutary requirements of natural justice is spelling out reasons for the order made, in other words, a speakingout. The

"inscrutable face of the sphinx" is ordinarily incongruous with a judicial or quasijudicial performance."

11. This Court in the case of Rajendra Singh and others v. Deputy Director of Consolidation and others reported in 2005 (99) RD 46 has held that one of the salutary requirements of natural justice is spelling out reasons for the order made, in other words, a speakingout. The "inscrutable face of the sphinx" is ordinarily incongruous with a judicial or quasijudicial performance."

12. For the foregoing, reasons, the impugned order dated 27792006 passed by Deputy Director of Consolidation, Hardoi while allowing the Revision No.529 and

692 is non speaking and arbitrary order.

13. Accordingly, the same is set aside and the writ petition is allowed.

14. Further the matter is remanded back to the Deputy Director of Consolidation. Hardoi to decide the Revision No.529 and Revision No.692 after giving due opportunity of hearing to the concerned parties in accordance with law say expeditiously within a period of six months from the date of production of certified copy of this order.

15. It is made clear that this Court has not adjudicated the claim of the petitioner on merits.