

(2020) 02 JH CK 0049

In the Jharkhand High Court

Case No : Writ Petition (C) No. 4324 Of 2014

Anugrah Narayan Sharma And Ors

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 27-02-2020

Acts Referred:

Citation : (2020) 02 JH CK 0049

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Sandeep Verma, Sumit Kumar, Sanjeev Thakur

Final Decision : Disposed Of

Judgement

Heard Mr. Sandeep Verma, learned counsel for the petitioners and Mr. Sanjeev Thakur, learned counsel for the respondent-State.

The petitioners have preferred this writ petition for quashing the order dated 19.08.1995 passed by the Circle Officer, Barwadih and also for quashing

the order dated 13.12.2013 passed by the Divisional Commissioner, Palamau Division, Palamau in Misc. Appeal No. 67 of 1996.

Learned counsel for the petitioners submits that long standing zamabandi running in the name of the petitioners has been recommended to be cancelled

by the Circle Officer, Barwadih vide order dated 19.08.1995. He further submits that the same has been done with regard to the report of the Circle

Inspector without providing any opportunity of hearing to the petitioners. He further submits that the order dated 13.12.2013 has been passed without

assigning any reason, which cannot be allowed to be sustained in the eyes of law. He also submits that there is no discussion of the case of the

parties. The document has also not been considered while passing the order

dated 13.12.2013 and no reason has been assigned for coming to the conclusion while dismissing the appeal.

Mr. Sanjeev Thakur, learned counsel for the respondent-State submits that they have already appeared in the court below and there is no illegality in passing of the impugned order dated 13.12.2013.

This Court has perused the order dated 13.12.2013 and finds that the order is cryptic in nature. In view of the well settled proposition that an order

must be passed after providing reasons and discussing the case of the parties, that has not been done in the case in hand. In view of the judgment

rendered by the Hon'ble Supreme Court in the case of Central Board of Trustees v. M/s Indore Composite Pvt. Ltd., reported in (2018) 8 SCC 44,3

the impugned order cannot be sustained in the eyes of law.

Paragraph 14 of the said judgment is quoted herein below:

“14. Time and again, this Court has emphasized on the courts the need to pass reasoned order in every case which must contain the

narration of the bare facts of the case of the parties to the lis, the issues arising in the case, the submissions urged by the parties, the legal

principles applicable to the issues involved and the reasons in support of the findings on all the issues arising in the case and urged by the

learned counsel for the parties in support of its conclusion. It is really unfortunate that the Division Bench failed to keep in mind these

principles while disposing of the writ petition. Such order, in our view has undoubtedly caused prejudice to the parties because it deprived

them to know the reasons as to why one party has won and other has lost. We can never countenance the manner in which such order was

passed by the High Court which has compelled us to remand the matter to the High Court for deciding the writ petition afresh on merits.”

In view of the above facts and judicial pronouncement, the order dated 13.12.2013 passed by the Divisional Commissioner, Palamau Division, Palamau

in Misc. Appeal No. 67 of 1996 is quashed. The matter is remitted back to respondent no.2 for passing a fresh order after providing opportunity of

hearing to the petitioner as well as other interested party, in accordance with law.

Accordingly, this writ petition stands disposed of.