
(1996) 09 P&H CK 0121
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 4286 of 1992

Brahma Nand (Died) and Others	Vs	APPELLANT
Gram Panchayat and Others		RESPONDENT

Date of Decision : 02-09-1996

Acts Referred:

Citation : (1997) 115 PLR 113 : (1996) 2 RCR(Civil) 81 : (1997) 2 RCR(Civil) 414

Hon'ble Judges : G.S. Singhvi, J

Bench : Single Bench

Advocate : Hemant Kumar, for the Appellant; I.K. Mehta and M.S. Kohli, for the Respondent

Judgement

G.S. Singhvi, J.—In this petition filed by the petitioners for quashing the orders dated 7.7.1989, 11.4.1991 and 27.11.1991 passed respectively by the Assistant Collector Ist Grade, Jagadhari, Collector Yamuna Nagar and Commissioner, Ambala Division Ambala, one of the points which requires determination by this Court is whether the revisional authority constituted under the Punjab Village Common Land (Regulation) Act, 1961 can dismiss the revision petition without assigning any cogent reason and whether the revisional order is liable to be quashed only on the ground that it is not a speaking order.

2. Facts which are borne out from the writ petition and the reply are that an application u/s 7 of the 1961 Act was filed by one Sheo Ram son of Dalip Ram. During the pendency of that application, a dispute regarding title was raised by the petitioner and, therefore, the Assistant Collector Ist Grade, Jagadhari passed an order dated 25.8.83 and directed that the case arising out of the application filed u/s 7 of the 1961 Act be held in abeyance. The respondents in that case were directed to file regular suit u/s 13 of the 1961 Act.

3. Taking cue from the observation made by the Assistant Collector Ist Grade, Jagadhari, the petitioners filed suit u/s 13 of "1961 Act". Notice of this suit was issued to the respondents and after considering the evidence produced by the

petitioners, the Assistant Collector Ist Grade, passed the impugned order dated 7.7.1989 and dismissed the same. Appeal filed by the petitioners came to be dismissed by the Collector, Yamuna Nagar vide order dated 11.4.1991.

4. Aggrieved by the adverse orders passed by the Assistant Collector Ist Grade and the Collector, the petitioners filed a revision petition before the Commissioner, Ambala Division Ambala, who dismissed the same vide order dated 27.11.1991.

5. Shri Hemant Kumar assailed the order passed by the Assistant Collector Ist Grade by arguing that overwhelming evidence produced by the petitioners which establish their ownership over the property in dispute has been ignored by these authorities and they have committed a serious error of law in directing the ejectment of the petitioners. Learned counsel laid emphasis on the fact that the Gram Panchayat did not adduce any evidence to substantiate its plea that the property in dispute belonged to it. He questioned the validity of the order passed by the Revisional Authority by contending that no reason has been assigned by the Revisional Authority for rejecting the contention raised on behalf of the petitioners and, therefore, its order should be quashed on the ground of violation of the principles of natural justice.

6. A Reading of various provisions of "1961 Act" shows that the Authorities constituted under it are assigned with the task of adjudicating upon the valuable rights of the parties. Therefore, the nature of power exercised by such Authorities is quasi-judicial. It is, therefore, incumbent on all the Authorities constituted under "1963 Act" to pass orders consistent with the rules of natural justice. One of the fundamental principles of natural justice is that every judicial and quasi judicial authority must pass speaking order, meaning thereby that the orders passed by such authorities must contain reasons in support of their conclusion. Recording of reasons and communication thereof is absolutely necessary for maintaining rule of law which constitutes an integral part of the democratic polity accepted by our Constitution. Obligation to pass speaking order has to be discharged by all quasi judicial authorities which would necessarily include the Appellate as well as Revisional Authorities. This proposition of law has been laid down by the Supreme Court in *Bharat Raja Vs. The Union of India (UOI) and Others*, and *The Siemens Engineering and Manufacturing Co. of India Ltd. Vs. The Union of India (UOI) and Another*, and various other decisions.

7. If I examine the impugned order passed by the Revisional Authority in the light of the principles laid down by the Supreme Court, it cannot but be held that there is a total failure on the part of the Revisional Authority to give reasons in support of its order. A bare look at Annexure P8 shows that after recording the factum of filing of the revision petition and hearing the counsel, the Revisional Authority has recorded a bald conclusion that there is no merit in the arguments advanced by the counsel. This is the most unsatisfactory method for deciding the revision petition in which the petitioners had raised several points to challenge the orders passed by the Assistant Collector and the Collector. Thus, I am of the

opinion that the order passed by the Revisional Authority is liable to be quashed only on the ground of violation of the principles of natural justice.

8. For the reasons mentioned above, the writ petition is partly allowed. Order Annexure P8 passed by the Commissioner, Ambala Division, Ambala in revision petition No. 18 of 1998 is set aside with a direction that the Revisional Authority should decide revision petition afresh after giving notice and opportunity of hearing to both the parties. It is expected that the Revisional Authority will decide the revision petition within a period of four months of the receipt of a copy of this order.

9. The registry is directed to send a copy of this order to the Commissioner, Ambala Division, Ambala for necessary action.