**(2005) 05 P&H CK 0038**

**In the Punjab And Haryana At Chandigarh**

**Case No :** Civil Writ Petition No. 467 of 1984 (O and M)

Jage (Died) through LRs. APPELLANT

Vs

State of Haryana and Others RESPONDENT

**Date of Decision :** 11-05-2005

**Acts Referred:**
Constitution of India, 1950 — Article 226, 227

**Citation :** (2005) 141 PLR 509 : (2005) 3 RCR(Civil) 289

**Hon'ble Judges :** Rajive Bhalla, J

**Bench :** Single Bench

**Advocate :** P.N. Aggarwal, for the Appellant; Rajiv Kwatra, D.A.G. for Respondent Nos. 1 to 3, for the Respondent

**Final Decision :** Allowed

## Judgement

Rajive Bhalla, J.—Prayer in the present writ petition, filed under Article 226/227 of the Constitution of India, by the petitioners, is for the issuance of a writ in the nature of certiorari for quashing the orders dated 10.3.1973 (Annexure P-4), passed by the Commissioner, Ambala and 10.2.1993 (Annexure P-5), passed by the Financial Commissioner, Haryana.

2. The facts, in brief, are that an area measuring 6 standard acres 2 units, belonging to Mathura son of Jotu (since deceased), the big land owner, was declared surplus by the Collector (Surplus), Sonepat, vide his order dated 3.8.1959. The field numbers of the permissible and surplus areas were declared on 4.8.1959. Thereafter, for reasons, which are not discernible from the record, the Collector re-determined the surplus area on 19.10.1959 and declared 16 standard acres 7 units as surplus. The Collector once again re-determined the surplus area, vide order dated 20.7.1968 and declared 9 standard acres 9-1/4 units as surplus.

3. The big landowner, Mathura (since deceased) filed an appeal before the Commissioner, Ambala Division. The Commissioner, vide order dated 25.10.1968,

accepted the appeal, set aside the order of redetermination, dated 20.7.1968 and restored the order of the Collector dated 4.8.1959, determining the surplus area of the big landowner.

4. The petitioner, (now represented by his L.Rs Jai Narain and Hawa Singh) claiming to be a tenant of the big landowner, filed an application before the Collector for review of the order dated 4.8.1959. The Collector, vide order dated 16.6.1972, forwarded a reference to the Commissioner seeking permission to review the said order. Vide order dated 10.3.1973, the request for review was declined. The revision, filed by the petitioners, against the aforementioned order, was dismissed by the Financial Commissioner, Haryana on 10.2.1983.

5. Counsel for the petitioner contends that the impugned order, passed by the Financial Commissioner, is liable to be quashed, as the Financial Commissioner has failed to assign any reasons for dismissing the revision petition. The impugned order merely states that the Financial Commissioner finds substance in the arguments, advanced by the respondents and finds no cogent reasons to differ with the view taken by the Commissioner. It is further argued that the Financial Commissioner, being a quasi judicial authority, was required to pass a speaking order, disclosing therein the reasons that led to the dismissal of the revision petition. The absence of any reasons renders the impugned order void.

6. Counsel for the respondent No. 4, on the other hands, contends that the order, passed by the Financial Commissioner, calls for no interference, as the revenue authorities are not required to pass orders giving detailed reasons for the conclusions arrived at. The order of the Financial Commissioner meets the requirements of quasi judicial authority and, therefore, calls for no interference.

7. I have learned Counsel for the parties, perused the pleadings, as also the impugned orders.

8. While dismissing the revision petition, the Financial Commissioner, after recording the facts of the case and the respective contentions held as under:

"6. I have carefully considered the matter and find much substance, in the arguments advanced on behalf of the respondents. There are no cogent reasons for me to differ from the view taken by the learned Commissioner. This revision petition is accordingly dismissed."

9. A perusal of the above reproduced extract leaves no manner of doubt that the impugned order is non speaking and does not meet the requirement of a quasi judicial order. The process of reasoning, that led the Financial Commissioner to record a finding that he found substance in the arguments, raised by the respondents and that he concurred with the reasons assigned by the Commissioner, has not been spelt out. No reasons, whatsoever, are discernible from the impugned order. Mere recording of concurrence with the arguments raised or with the reasons, assigned by the Commissioner, would not fulfill the requirements of a quasi judicial order.

 

10. The Financial Commissioner while adjudicating disputes, under the Punjab Security of Land Tenures Act, is a quasi-judicial authority and the final authority in the hierarchy of revenue Courts/officers. A quasi judicial authority must, after recording the facts, and the respective contentions for and against the matter in dispute, record reasons for arriving at a conclusion one way or the other. The reasons must be clearly discernible from the order passed. The impugned order, being devoid of the process of reasoning, and the Financial Commissioner having failed to assign any reasons for finding merit in the contentions, raised by the respondents, as also expressing concurrence with the order of the Commissioner, is non-speaking and, therefore, void.

11. Before parting with the judgment, it would be appropriate to mention that though, learned Counsel for the parties have impugned and supported the impugned orders passed on various grounds, the orders in the present writ petition are confined to the matter discussed above. In this view of the matter, the parties would be at liberty to raise all pleas averred in their respective pleadings.

12. In view of what has been stated above, the impugned order, dated 10.2.1983 (Annexure P-5), passed by the Financial Commissioner, being non speaking, is set aside and the matter remitted to the Financial Commissioner for a decision afresh. The parties, through their counsel, are directed to appear before the Financial Commissioner on 12.7.2005. The Financial Commissioner shall make every endeavour to dispose of the revision petition within three months from the date of the receipt of a certified copy of this order.

The present writ petition is allowed in the terms stated above, with no order as to costs.