

(2014) 02 AHC CK 0043
In the Allahabad High Court
Case No : Writ-C No. 11044 of 2014

Jai Shankar and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 20-02-2014

Acts Referred:

Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 — Section 333
Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 — Section 333
Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 — Section 333

Citation : (2014) 122 RD 734

Hon'ble Judges : Ran Vijai Singh, J

Bench : Single Bench

Advocate : Arun Kumar Singh, Advocate for the Appellant; Amresh Singh, Advocate for the Respondent

Final Decision : Allowed

Judgement

Ran Vijai Singh, J.—This writ petition has been filed with the following prayers:

1. issue a writ, order or direction in the nature of certiorari for quashing the impugned order dated 9.7.2013 passed by Additional Commissioner (Administration) Bareilly Division, Bareilly in revision No. 68 of 2012-13 (Jai Shankar and other v. Ramji and others) u/s 333 of U.P. Z.A. and L.R. Act, Tehsil Bisauli, District: Badaun (Annexed as Annexure No. "7" to the writ petition).

2. Issue a writ, order or direction in the nature of mandamus directing the respondents not to dispossess the petitioners from gata Nos. 342 area 0.100, gata No. 343 area 0.861, gata No. 345 area 1.062, gata No. 396 area 0.164 and "gata No. 420 area 0.708 situated at village Byor Kasimabad, Pargana Islam Nagar, Tehsil Bisauli, District: Badaun.

3. issue any other writ, order or direction in the like nature which this Hon'ble Court may deemed fit and proper in the facts and circumstances of the instant case; in favour of the petitioners.

4. Award the costs of the writ petition to the petitioner.

Heard Sri Arun Kumar Singh, learned Counsel for the petitioner, learned Standing Counsel appearing for the State-respondents and learned Counsel for the Gaon Sabha.

2. It is contended by the learned Counsel for the petitioners that vide order dated 9.7.2013, passed in revision No. 68 of 2012-13 (Jai Shankar and others v. Ramji and others), the Additional Commissioner (Administration) Bareilly Division, Bareilly has admitted the revision, but rejected the stay application filed by the petitioners. For appreciation, the order dated 9.7.2013 is reproduced below:

3. From the perusal of the impugned order, it is apparent that the stay application has been rejected without recording any reason. The Apex Court in Sant Lal Gupta and Others Vs. Modern Co-operative Group Housing Society Ltd. and Others, , has observed as under:-- 27.....The reason is the heartbeat of every conclusion. It introduces clarity in an order and without the same, the order becomes lifeless. Reasons substitute subjectivity with objectivity. The absence of reasons renders an order indefensible/unsustainable particularly when the order is subject to further challenge before a higher forum. Recording reasons is principle of natural justice and every judicial order must be supported by reasons recorded in writing. It ensures transparency and fairness in decision making. The person who is adversely affected must know why his application has been rejected. [Vide: State of Orissa Vs. Dhaniram Luhar, , State of Rajasthan Vs. Sohan Lal and Others, Vishnu Dev Sharma Vs. State of U.P. and Others, , Steel Authority of India Ltd. Vs. Sales Tax Officer, Rourkela-I Circle and Others, , State of Uttaranchal and Another Vs. Sunil Kumar Singh Negi, U.P.S.R.T.C. Vs. Jagdish Prasad Gupta, Ram Phal Vs. The State of Haryana and Others, , State of Himachal Pradesh Vs. Sh. Sada Ram and Another, and The Secretary and Curator, Victoria Memorial Hall Vs. Howrah Ganatantrik Nagrik Samity and Others, .

In view of the above, the writ petition is allowed.

The order dated 9.7.2013, passed by the Additional Commissioner (Administration) Bareilly Division, Bareilly in revision No. 68 of 2012-13 (Jai Shankar and other v. Ramji and others), is hereby quashed. The Additional Commissioner (Administration) Bareilly Division, Bareilly is directed to decide the stay application of the petitioner filed in revision No. 68 of 2012-13 (Jai Shankar and other v. Ramji and others) a fresh expeditiously in accordance with law, after hearing all concerned, by passing a reasoned speaking order without granting any unnecessary adjournment to the learned Counsel for the parties.