
(2014) 01 AHC CK 0318
In the Allahabad High Court
Case No : Writ-B No. 889 of 2014

Parsadi and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 08-01-2014

Acts Referred:

Citation : (2014) 122 RD 465

Hon'ble Judges : Ran Vijai Singh, J

Bench : Single Bench

Advocate : Surendra Tiwari, Advocate for the Appellant; Mahesh Narain Singh, Advocate for the Respondent

Final Decision : Allowed

Judgement

Ran Vijai Singh, J.—Heard Sri Surendra Tiwari, learned Counsel for the petitioners, learned Standing Counsel and Sri A.K. Umrao holding brief of Sri M.N. Singh, learned Counsel appearing for the Gaon Sabha. This writ petition has been filed for issuing a writ of certiorari quashing the order dated 7.10.2013 passed by the learned Member Board of Revenue, U.P. Allahabad, Camp Meerut/ Circuit Bench Meerut in Second Appeal No. 77 of 2007-08 (Parsadi and others v. Ujjawal Sagar Suri and others) by which the petitioners' application for interim protection restraining the respondents from alleviating and changing the nature of the land has been rejected.

2. Learned Counsel for the petitioners contends that the rejection order do not contain any reason except appeal was filed in the year 2008 and at that time, no interim order was passed.

3. Having heard learned Counsel for the parties and after going through the impugned order, I find that the order is really cryptic one as it do not contain any reason except the appeal was filed in the year 2008. Merely for the reason that the appeal was filed in the year 2008 cannot be ground for rejecting the stay application unless the same was rejected at the time of filing appeal or even

thereafter.

4. The Apex Court in the case of 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 of 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,).

5. In view of foregoing discussions, the writ petition succeeds and is allowed. The impugned order dated 7.10.2013 passed by the Board of Revenue, U.P. Allahabad, Camp Meerut/Circuit Bench, Meerut is hereby quashed. The learned Member Board of Revenue is directed to consider the stay application of the petitioners afresh and pass a reasoned order thereon. Till the petitioners' stay application is considered, neither any third party right shall be created nor the nature of the land shall be changed by the parties. It may be clarified that I have not addressed myself on the merit of the stay application. It is in the sole domain of the learned Member Board of Revenue to pass an independent order in accordance with law.