

(2000) 11 AHC CK 0037

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 48855 of 2000

Udai Veer Singh

APPELLANT

Vs

District Magistrate, Bulandshahr and Others

RESPONDENT

Date of Decision : 08-11-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2000) 11 AHC CK 0037

Hon'ble Judges : A.K.Yog, J

Final Decision : Allowed

Judgement

A.K. Yog, J.—Heard learned Counsel for the petitioner and the learned standing Counsel as well as Sri B.K. Singh appearing as standing Counsel on behalf of the Respondent No. 3. Facts need not be stated as this petition is being decided on short point. Petitioner seeks quashing of the impugned order dated 30/9/2000 (Annexure 6 to the writ petition).

2. Perusal of the impugned order shows that the District Magistrate, Bulandshahr has not referred to any document or material on record which it accepted or rejected while arriving at the conclusion. Respondent No. 1 has reached to the conclusion without applying mind which is not permissible. The order is not a speaking order and does not contain reasons and relevant material for the benefit of the High Court or the higher authority to assess that the authority concerned has applied mind to the relevant material on record in the instant case. The impugned order lacks reasons and is liable to be set aside.

3. The writ petition is allowed and the impugned order dated 30/9/2000 (Annexure 6 to the writ petition) is set aside with the direction to the authorities concerned to decide the matter afresh after giving proper opportunity to the parties pass speaking order. Petition allowed.