



2024:JKLHC-JMU:725

Serial No. 143

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case:- WP(C) No. 639/2024
CM No. 1547/2024

1. **Balbir Singh, Age 64 Years,**Appellant(s)/Petitioner(s)
2. **Pritam Singh, Age 62 Years,**
3. **Ravinder Singh, Age 52 Years,**

**All Sons of Late S. Harnam Singh,
Residents of H.No. 124, Digiana,
Jammu.**

Through: Mr. S. M. Chowdhary, Advocate.

Vs

1. **The Union Territory of Jammu & Kashmir Through The Regional Director Survey & Land Record, (with the powers of Commissioner Agrarian Reforms, Jammu.**
2. **Paramjeet Singh,**
3. **Ratinder Singh, both sons of deceased Jaswant Singh,**
4. **Ujjwal Kour, Wife of Late Jaswant Singh, all Residents of Digiana, Jammu.**
5. **Ranbir Singh Son of Chain Singh, Resident of H.No. 123, Digiana, Jammu.**
6. **Ranjeet Singh,**
7. **Jatinder Singh, both Sons of Late Roop Singh, Residents of H.No. 122, Digiana, Jammu.**
8. **Gurcharan Kour, Wife of Late Sh. Sant Singh,**
9. **Joginder Pal Singh, Son of Late Sh. Sant Singh,**
10. **Bhupinder Kour,**
11. **Amarpreet Kour,**
12. **Balpreet Kour,**
13. **Gurpreet Kour, Dauhters of Late S. Sant Singh, Residents of H. No. 121, Digiana Jammu.**
14. **Gurmeet Singh,**
15. **Amrik Singh, both Sons of late Yoga Singh,**
16. **Satwir Kour,**
17. **Ramnik Kour, both daughters of Late Yoga Singh, Residents of Digiana, Jammu.**

..... Respondent(s)

Through: Ms. Priynka Bhat, Assisting counsel
vice
Mrs. Monika Kohli, Sr. AAG.



Coram: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER
(22.03.2024)

(ORAL)

- 01.** The moot point raised by the petitioners in the instant petition is non-recording of reasons in order dated 18.12.2023 (for short "***the impugned order***") passed by respondent No. 1 – Commissioner Agrarian Reforms (Regional Director, Survey and Land Records), Rajouri in an application seeking condonation of delay accompanying an appeal filed by the private respondents herein against Mutation no. 2552 dated 29.07.1998 pertaining to land measuring 3 Kanals covered under Survey no. 427 min situated at Village Digiana, Jammu attested in favour of the petitioners herein under Section 3-A of the Agrarian Reforms Act, 1976 (for short "***the Act of 1976***").
- 02.** According to the learned counsel for the petitioners, the objections *qua* the maintainability of the appeal on the ground of limitation was raised before the aforesaid appellate authority who without recording any reasons, however, in terms of impugned order dated 18.12.2023, condoned the delay.
- Heard learned counsel for the petitioners and perused the record.**
- 03.** Perusal of the record reveals that in terms of the impugned order, the appellate authority *supra* has condoned approximately delay of 15 years.



The impugned order for the sake of brevity is reproduced hereunder:-

“Case called. Ld. Counsel of both the parties present. The arguments on condonation of delay concluded, delay condoned. Now the arguments on merits be taken on next date of hearing. Put up on 29.01.24.”

04. It is settled position of law that not only administrative order, but also judicial and quasi-judicial order must be supported by reasons while deciding an issue as a judicial or *quasi* judicial authority is bound to record reasons for drawing conclusions and in fact it is the duty and obligation on the part of such judicial or *quasi* judicial authority to disclose its reasons by itself as giving of reasons has always been insisted upon being one of the fundamentals of sound administration of the justice delivery system, to make it known that there had been proper and due application of mind to the issue before such judicial or *quasi* judicial accordingly.

It is also well settled position of law that recording of reasons is the heartbeat of every conclusion as it introduces clarity in an order and without the same, the order becomes lifeless and the absence of reasons renders an order indefensible/unsustainable particularly when the order is subject to further challenge before a higher forum.

The aforesaid view has been expressed by the Apex Court in case titled as **“Union of India Vs Ibrahim Uddin and Anr.”** reported in **2012 (8) SCC 148.**



- 05.** As is manifest from a plain reading of the impugned order *supra*, it is evident that the appellate authority has failed to record reasons in the impugned order for condoning the delay.
- 06.** The order impugned, thus, is held legally not sustainable, as such, it is deemed appropriate to *dispose of* the petition at this stage without admitting the same or seeking returns from the other side and remanding the matter back to the appellate authority for re-consideration of the matter.
- 07.** Accordingly, petition is ***allowed***. The impugned order is set-aside with a direction to the respondent No. 1 – Commissioner Agrarian Reforms (Regional Director, Survey and Land Records), Rajouri to revisit and reconsider the application for condonation of delay accompanying the appeal filed by the respondents herein against Mutation no. 2552 dated 29.07.1998 afresh and decide the same in accordance with law affording an adequate opportunity of hearing to the parties.
- 08.** ***Disposed of.***

(JAVED IQBAL WANI)
JUDGE

JAMMU
22.03.2024

Bunty

Whether the order is speaking: **Yes**

Whether the order is reportable: **Yes**