



CWP-9570-2025 (O&M)

-1-

132

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP-9570-2025 (O&M)
Date of Decision: 09.04.2025**

Lakshmi @ Laxmi Devi

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Pawandeep Singh, Advocate
for the petitioner.

HARSH BUNGER, J. (Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of Certiorari for setting aside order dated 14.02.2025 (Annexure P-1) passed by the Divisional Commissioner, Karnal Division, Karnal, whereby the stay application filed by the petitioner against order dated 30.01.2025 (Annexure P-2) has been dismissed.

2. Learned counsel for the petitioner submits that order dated 14.02.2025 (Annexure P-1) is a totally non-speaking order and therefore unsustainable in the eyes of law.

3. On advance service of copy of petition, Ms. Upasana Dhawan, AAG, Haryana, appears on behalf of the respondent-State.

3.1 Learned State counsel has not been able to dispute the fact that



CWP-9570-2025 (O&M)

-2-

no reasoning is forthcoming in order dated 14.02.2025 (Annexure P-1) passed by the Divisional Commissioner, Karnal Division, Karnal, as to what has weighed in the mind of the learned Commissioner, Karnal Division, Karnal while rejecting the application.

3.2 Learned State counsel has tried to justify that the order has been passed based upon the report submitted by the Sub Divisional Officer, Assandh.

4. Heard.

5. It is well settled that the reasons are heart and soul of the judgment. Without the heart and soul, it would be a dead wood. It is not disputed that an order will have to be tested on the basis of what it contains and no amount of subsequent justification can make good deficiency in any order.

5.1 In the case of *Mohinder Singh Gill v. Chief Election Commissioner, 1978 (1) SCC 405.*, Hon'ble Apex Court observed as under:-

“8. The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to court on account of a challenge, get validated by additional grounds later brought out. We may here draw attention to the observations of Bose J. In Gordhandas Bhanji case :

"Public orders publicly made, in exercise of a statutory authority cannot be construed in the light of explanations subsequently given by the officer making the order of what he meant, or of what was in his mind, or what he intended to do. Public orders made by public authorities are meant to have public effect and are intended to affect

**CWP-9570-2025 (O&M)**

-3-

the acting and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself".

Orders are not like old wine becoming better as they grow older..."

6. Since the order dated 14.02.2025 (Annexure P-1) is a totally non-speaking order, therefore, the same is set aside and the matter is remitted to the learned Commissioner, Karnal, Division Karnal to consider the stay application afresh after affording due opportunity of hearing to all the concerned parties and pass a speaking order thereon.

7. Learned Commissioner may also consider taking up the main appeal for final adjudication on the date fixed i.e. 23.04.2025 and in any case not beyond a period of one month thereafter.

8. The present petition stands disposed of accordingly.

9. All the pending application(s), if any, shall also stand closed.

09.04.2025*Himani***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No