

GAHC010045582024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1293/2024

LAKHIMPUR DISTRICT SECTION DIVISIONAL N F RAILWAY FREIGHT
TRUCK UNION HARMOTI JUNCTION
REPRESENTED BY THE SECRETARY, JUNA KUTIR, AGED ABOUT 51
YEARS, S/O SANTOSH KUJUR, VILL- 2 NO BORBALI, P.O.-BORBALI, P.S.-
HARMOTI PATHALI PAHAR, DIST- LAKHIMPUR, ASSAM, PIN-784163 AND
PRESIDENT SRI BASANTA KARMAKER, S/O BASU KARMAKER, VILL 5 NO.
PATTA HARMOTI, P.O.-MERBIL, P.S.-LALUK, DIST- LAKHIMPUR, ASSAM

VERSUS

THE UNION OF INDIA AND 10 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY
OF RAILWAYS, RAIL BHAWAN, NEW DELHI-110001

2:THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI-22
ASSAM

3:THE DIVISIONAL RAILWAY MANAGER (W)
N.F. RAILWAY
RANGIYA
ASSAM

4:THE DIVISIONAL SECURITY COMMISSIONER
RAILWAY PROTECTION FORCE
N.F. RAILWAY
RANGIYA DIVISION
ASSAM

5:THE DEPUTY COMMISSIONER
NORTH LAKHIMPUR
ASSAM

6:NORTH ASSAM SECTION DIVISIONAL N.F. RAILWAY CONSTRUCTION
LOADING UNLOADING WORKERS UNION
REPRESENTED BY SRI SUKHNANDAN MANDAL
SECRETARY
WARD NO. 2
RAILWAY COLONY
LAKHIMPUR
NORTH LAKHIMPUR
ASSAM
PIN-787001

7:RANJIT RAJKHOWA
S/O DIMBESWAR RAJKHOWA
VILL- HARMOTI
P.O.-MERBIL
P.S.-LALUK
DIST-LAKHIMPUR

8:HEMENTA BORA
S/O BASANTA BORA
VILL- HARMOTI
P.O.-MERBIL
P.S.-LALUK
DIST-LAKHIMPUR

9:GAJEN HAZARIKA
DHARMESWAR HAZARIKA
VILL- HARMOTI
P.O.-MERBIL
P.S.-LALUK
DIST-LAKHIMPUR

10:HIRANYA CHUTIA
S/O DIMBESWAR CHUTIA
VILL- HARMOTI
P.O.-MERBIL
P.S.-LALUK
DIST-LAKHIMPUR

11:VOIRAB BORAH
S/O PRABIN BORA
VILL- HARMOTI
P.O.-MERBIL
P.S.-LALUK
DIST-LAKHIMPU

Advocate for the Respondent : DY.S.G.I., MR. D J DAS (R-1 to 4),GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 06-11-2024

Heard Mr. B.K. Das, learned counsel for the petitioner; Mr. D.J. Das, learned Central Government Counsel for the respondent nos. 1, 2, 3 & 4; and Ms. S. Baruah, learned Junior Government Advocate, Assam for the respondent no. 5.

2. The petitioner is a trade union, registered under the Trade Union Act, 1926, and its members are involved in the business of supplying trucks for loading and unloading of goods in cargo trains and B freight train at Harmoti Junction. The grievance of the petitioner union is that the private respondent nos. 6 – 11 have been adopting different means to prevent the members of the petitioner union in the business of loading and unloading of goods at Harmoti Junction. Because of the harassments, several representations were filed by the petitioner union before the authorities including the District Commissioner, Lakhimpur; and the Superintendent of Police, Lakhimpur. The petitioner union has stated that it has also submitted an FIR before the In-Charge, Harmoti Out Post and also before the Officer In-Charge, Laluk Police Station prior to submitting a representation before the Superintendent of Police, Lakhimpur. The respondent no. 6, namely 'North Assam Section Divisional N.F. Railway Construction Loading Unloading Workers Union' is another trade union and the respondent nos. 7 – 11 are private individuals who are part of the respondent

no. 6 trade union and the grievances of the petitioner union is against them.

3. The learned Government Advocate was asked to obtain instructions and to file an affidavit when the writ petition was listed on earlier occasions.

4. An affidavit-in-opposition has been filed by the District Commissioner, that is, the respondent no. 5 on 02.09.2024. In the said affidavit-in-opposition, it has been averred that after receipt of a petition from the petitioner union on 02.11.2023 regarding running of illegal syndicate at Harmoti Junction the matter was enquired through the Circle Officer, Bihpuria Revenue Circle. It has further been averred that noticing the urgency of the matter, a meeting was called on 28.12.2023 in the office of the District Commissioner, Lakhimpur and notices were sent to all the stakeholders. The meeting was chaired by the District Commissioner, Lakhimpur and in the said meeting, it was concluded that since the carrying of goods from the trains by the truck unions is an open platform, no one should be given preference. It was further observed that entrepreneurs and vendors would have the discretion to select the union for their loading and unloading of goods based on their performance. The District Commissioner has further stated that for preventing any kind of quarrel/issue from the parties, a case, Misc. Case no. 179/2023 has been registered on 28.12.2023 and the concerned persons have been asked to enter into a bond for keeping peace for a period of one year. A number of bonds executed in connection with Misc. Case no. 179/2023, proceeded under Section 107, Code of Criminal Procedure, 1973 [CrPC] and executed by a number of persons representing the respondent no. 6 union, are found annexed to the affidavit-in-opposition filed by the Deputy Commissioner, Lakhimpur.

5. The grievance of the petitioner in this writ petition is primarily against the alleged action of the respondent no. 6 Union and its members. The members of the respondent no. 6 union have already executed the bonds of Rs. 25,000/- each under Section 107, CrPC for keeping peace for a period of one year, any subsequent default on their parts can be dealt with under the provisions of Section 107, CrPC.

6. Mr. Das, learned counsel for the petitioner has submitted that since the respondent no. 6 Union and some of its members have executed the bonds, as found from the annexures to the affidavit-in-opposition of the District Commissioner, Lakhimpur, the petitioner union has, at this stage, no grievance as any unlawful future action on the part of the respondent no. 6 union and its members would be governed by the conditions of the bond executed between them.

7. In view of the above fact situation and considering the submissions of the learned counsel for the petitioner, this Court is of the considered view that no cause of action has survived in this writ petition as on date and accordingly, the writ petition stands closed.

JUDGE

Comparing Assistant