

CWP No.10215 of 2015

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

CWP No.10215 of 2015

Date of Decision: May 20, 2015

Hardwari Ram

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Manish Kumar Singla, Advocate
for the petitioner.

AUGUSTINE GEORGE MASI, J. (Oral):

It is the contention of the counsel for the petitioner that the petitioner is not being permitted to operate his trucks/vehicles by respondents No.5 to 7 despite they having possessed the requisite permits/registrations. He states that the Transport Union and its office-bearers are insisting upon the vehicles which are registered with the Union and no other vehicles are permitted to operate which is a violation of Article 19 (1) (g) of the Constitution of India. The petitioner is being deprived of his right to carry out any occupation in the manner as permissible under law and therefore, action of the respondents 5 to 7 is violative of law and cannot be sustained. Petitioner has highlighted his grievances through representation, copy of which has been appended as Annexure P-2 which has been addressed to the Station House Officer, Police Station Dirba Mandi, District Sangrur-respondent No.4 but no action has been taken

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thereon. Petitioner has also approached to the Deputy Commissioner, Sangrur-respondent No.2 and the Senior Superintendent of Police, Sangrur-respondent No.3 but nothing has been done by them and the petitioner is unable to operate his vehicles.

Counsel for the petitioner has referred to the orders passed by this Court in CWP No.20299 of 2012, titled as 'K.S. Agricultural Pvt. Ltd. Vs. State of Punjab & others', decided on 10.10.2012 and some other orders passed in similar writ petitions to contend that the petitioner is entitled to protection of law and any violation thereof by the private respondents need to be taken seriously and appropriate steps taken by the Competent Authority in this regard. His submission is that the petitioner, at this stage, would be satisfied if a direction is issued to the Deputy Commissioner, Sangrur; the Senior Superintendent of Police, Sangrur and the Station House Officer, Police Station Sadar Lehragaga, District Sangrur, respondents No. 2 to 4 respectively to consider and decide the representation dated 08.05.2015 (Annexure P-2) within some specified time.

Without going into the merits of the case or commenting thereon, the present petition is disposed of with directions to the Deputy Commissioner, Sangrur; the Senior Superintendent of Police, Sangrur and the Station House Officer, Police Station Sadar Lehragaga, District Sangrur, respondents No. 2 to 4 respectively, to consider and decide the representation dated 08.05.2015 (Annexure

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P-2) within a period of two weeks from the date of receipt of certified copy of this order and if some substance is found therein, appropriate steps including providing protection, in accordance with law, be initiated thereafter.

May 20, 2015
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE