

CWP No.7435 of 2015

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

CWP No.7435 of 2015

Date of Decision: April 23, 2015

New P.G.R. Trading Co.

...Petitioner

Versus

The State of Punjab & others

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rajesh Kumar Girdhar, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (Oral):

It is the contention of the counsel for the petitioner that the petitioner is a private transporter. He loaded his trucks bearing Nos. PB-03J-4182 and PB-03U-7695 with stones from Pathankot to be delivered at Raman Refinery situated at Raman Mandi. On 11.04.2015, when these two trucks reached Raman Mandi, the members of Raman Truck Union took the said trucks into possession and did not permit the vehicles to move forward to the destination. Petitioner immediately submitted a complaint in this regard to the Senior Superintendent of Police, Bathinda, as also to the Deputy Commissioner, Bathinda dated 12.04.2015 (Annexures 3 and 4 respectively). Thereafter, on 17.04.2015, other three trucks of the petitioner bearing Nos. PB-03AA-2782, PB-03AF-0695 and PB-03AF-0895 were similarly detained and taken into possession by respondent No.7-Raman Truck Union. Petitioner again submitted a representation in continuance of the earlier application to the Senior Superintendent of Police, Bathinda, as

also to the Deputy Commissioner, Bathinda dated 17.04.2015 (Annexure P-5) but no action has been taken thereon as well. He states that as on date, all his five trucks are in possession of respondent No.7-Ram Truck Union. He, therefore, contends that the inaction on the part of respondents 3 and 4 cannot sustain.

Counsel for the petitioner placed reliance upon the order passed by this Court in CWP No.18143 of 2006, titled as 'Manjinder Singh Vs. State of Punjab & others', decided on 04.10.2008 (Annexure P-9) to contend that in a similar situation as in the present case, the action taken by the Truck Union was adversely commented upon and directions were issued to the Deputy Commissioner, Senior Superintendent of Police, Deputy Superintendent of Police as also the Station House Officer of the concerned police station to ensure that as and when the petitioner carries/transport of building material or any other sold item from the business premises situate, should not be obstructed in any manner. Restraint order was also passed to the extent that the Truck Union or its office-bearers should not cause any hindrance in the legitimate business of the petitioners. The authorities were directed to provide adequate security to the trucks/other transport vehicles and in the event of any unlawful obstructions and interference caused by the office-bearers/members of the Truck Union, stern action, in accordance with law, was directed to be taken against them. Reliance has also been placed upon the order passed by this Court in CWP No.22126 of 2012, titled as 'M/s Gill Agro Industries & another Vs. State of Punjab & others', decided on 07.11.2014 (Annexure P-10), where again similar directions were issued. He, on this basis, contends that the petitioner, at this stage, would be

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satisfied if a direction is issued to the Deputy Commissioner, Bathinda and Senior Superintendent of Police, Bathinda, respondents 3 and 4 respectively, to consider and decide the representations dated 12.04.2015 and 17.04.2015 (Annexures P-3 to P-5) within some specified time and take appropriate steps in accordance with law.

In view of the above, without going into merits of the case and commenting thereon, the present writ petition is disposed of with directions to the Deputy Commissioner, Bathinda and Senior Superintendent of Police, Bathinda, respondents 3 and 4 respectively, to consider and decide the representations dated 12.04.2015 and 17.04.2015 (Annexures P-3 to P-5) within a period of two weeks from the date of receipt of copy of this order and to take appropriate action, in accordance with law.

April 23, 2015

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**