

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP No.6151 of 2015  
Date of decision: 20.12.2016

**Shiv Shankar Enterprises**

**... Petitioner**

**Vs.**

**State of Punjab and others**

**... Respondents**

**CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

Present: Mr. Shakti Mehta, Advocate for  
Mr. Vikas Gupta, Advocate  
for the petitioner.

Mr. B.M. Vinayak, DAG, Punjab.

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**RAMESHWAR SINGH MALIK, J. (ORAL)**

Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioner has approached this Court, by way of present writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of mandamus.

While issuing notice of motion on 01.04.2015, following order was passed by this Court: -

*“It is the contention of counsel for the petitioner that the truck of the petitioner, which had gone to Wagah Border for loading and bringing back the consignment of cement, which was imported from Pakistan, has been detained by Attari Border Truck Operators Association-respondent No.4, which is in violation of*

*Article 19(1)(g) of the Constitution of India.*

*Notice of motion for 28.05.2015.*

*Dasti as well.*

*Direction is issued to respondent Nos.2 and 3 to take appropriate steps in accordance with law in case the assertion made by the petitioner is found to be correct within a period of one week from the date of receipt of copy of the order.*

*Copy of the order be given dasti to counsel for the petitioner under the signatures of Special Secretary of this Court. ”*

In compliance of the abovesaid order passed by this Court, inquiry was conducted by Deputy Superintendent of Police, Attari, Amritsar Rural and thereafter, he filed the reply by way of affidavit on behalf of respondents No.1 to 3.

Relevant averments taken in the reply, at page 23 of the paper book, read as under: -

*“It has been revealed from the perusal of the record related with the instant petition that the present petition has been filed by the present petitioner, with a prayer for issuance of direction to the respondent No.4 and their lawful members in lawful discharge of contractual obligation by the petitioner and further for directing the respondent No.4 to restrain their members from interfering in the free and legal business of the petitioner and to protect the life and liberty of the petitioner from hands of the respondent No.4 and their members. The Hon'ble Punjab & Haryana High Court Chandigarh has directed the District Police to decide the*

*representation filed by the petitioner, within 7 days from receipt of the certified copy of the order dated 01.04.2015 passed by this Hon'ble Court in the instant petition.*

*It is further submitted that the deponent had made sincere efforts to join the present petitioner in the enquiry of the instant representation but the present petitioner never joined in the enquiry conducted by the deponent.*

*It is further submitted that the perusal of the record related with the instant petition and the statements recorded during enquiry conducted by the undersigned reveals that no quarrel took place on 12.02.2015 & 29.03.2015 between the present petitioner and members of the Attari Border Truck Operators Association, having its office opposite Dana Mandi, Attari, District Amritsar. It has been found during the enquiry that the allegations levelled by the present petitioner in his aforesaid complaint could not be substantiated during enquiry. Apart from this, the allegation regarding illegal detention of the driver of the petitioner (driver of the truck bearing registration No.PB 02 AZ 9413) by the members of the Attar Border Truck Operations Association, having its office opposite Dana Mandi, Attari, District Amritsar 29.03.2015, could not be substantiated during enquiry. Therefore in view of the aforementioned facts and circumstances, the deponent had recommended that the instant representation may kindly be filed.”*

Learned counsel for the State has rightly submitted that in view of the abovesaid development having taken place, nothing survives in the present

writ petition and the same may be disposed of, as having been rendered infructuous.

Faced with the above, learned counsel for the petitioner also fairly states that let the present writ petition be disposed of, in terms of the abovesaid averments taken on behalf of the respondents authorities, coupled with the statement made by learned counsel for the State, but Senior Superintendent of Police (Rural), Amritsar-respondent No.2 may be directed to entertain and act upon the complaint of the petitioner, if necessity arises.

In view of the above fair statements made by learned counsel for the parties, present writ petition is disposed of, as having been rendered infructuous, however, with a direction to Senior Superintendent of Police (Rural), Amritsar-respondent No.2 that if the petitioner approaches him by moving an appropriate representation or complaint, he shall look into the matter and take appropriate action at an early date, in accordance with law.

With the abovesaid observations made and directions issued, present writ petition stands disposed of.

**[ RAMESHWAR SINGH MALIK ]**  
**JUDGE**

20.12.2016  
*vishnu*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |