

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

**1. CRM-M-22357-2017 (O&M)
Decided on: 16.08.2017**

M/s. Jagtar Singh Sadhu Singh

.... Petitioner

Versus

State of Punjab and others

..... Respondents

2. CWP-13886-2017

Container Corporation of India Ltd.

.... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Aalok Jagga, Advocate,
for the petitioner (in CRM-M-22357-2017).

Mr. Puneet Sharma, Advocate,
for the petitioner (in CWP-13886-2017).

Mr. A.S. Dhaliwal, DAG, Punjab.

Mr. A.P. Kaushal, Advocate,
for respondent No.2 (in CRM-M-22357-2017).

Mr. G.S. Sandhu, Advocate,
for respondent No.7 (in CRM-M-22357-2017).

Hari Pal Verma, J. (Oral)

This order shall dispose of CRM-M-22357-2017 (**M/s. Jagtar Singh Sadhu Singh vs. State of Punjab and others**) and CWP-13886-2017 (**Container Corporation of India Ltd. vs. State of Punjab and others**) as similar relief has been sought in both these petitions. However,

22357-2017 (M/s. Jagtar Singh Sadhu Singh vs. State of Punjab and others).

Prayer in the present petition filed under Section 482 of Cr.P.C. is for directing respondents No.2 to 6 to protect the life and liberty of the petitioner from local truck union of Faridkot, who are causing illegal hindrance and hurdle in performing the contractual duties by the petitioner for Food Corporation of India, District Office, Faridkot.

Learned State counsel, on instructions, from ASI Buta Singh submits that the petitioner has been awarded the HTC contract for two years, i.e. w.e.f. 17.06.2017 to 16.06.2019.

Learned counsel for the petitioner states that the petitioner is not being allowed to carry out his loaded transport truck because of respondents No.7 and 8, i.e., All India Food & Allied Worker Union Depot, Jaitu and The Truck Operator Union Jaitu.

On 04.07.2017, this Court has passed the following order:-

“Learned State counsel appearing for respondents no. 1 to 6 seeks adjournment to have instructions and file detailed reply.

Learned counsel appearing for respondent no. 7 and respondent no. 8 submit that they have instructions to give undertaking that respondents no. 7 and 8 will not create any hurdle, obstruction and road blockage for the petitioner in discharge of his function and will not block the traffic in any manner.

Learned counsel for respondent no. 8 has gone to the extent of submitting that it is the petitioner, who is creating hurdle himself to malign the reputation of respondent no. 8 by blocking the road.

Learned counsel for the petitioner submits that respondents no. 7 and 8 have blocked the road and had not allowed the food- grains to be lifted and loaded on 28.06.2017. Even the police officer of the rank of Superintendent of Police was present at the spot but he did not take any action to get the blockage of road, gate and railway platform removed.

Reply to CRM-20055 of 2017 be filed on 10.07.2017. Deputy Commissioner, Faridkot and Senior Superintendent of Police, Faridkot will file their personal affidavits to the extent that there is no blockage of road, traffic and the petitioner is permitted to lift the food-grains as per contract and under permission given to him by Food Corporation of India. In the event of any road blockage or obstruction being found necessary steps to remove the same shall be taken to allow the free flow traffic on road or elsewhere. They are also directed to provide necessary protection to petitioner to this effect.

List on 13.07.2017.”

Accordingly, in the light of the order dated 04.07.2017 passed by this Court, an affidavit by Shri Rajiv Prashar, IAS, Deputy Commissioner, Faridkot, has been filed. The affidavit suggests that the deponent has personally called the petitioner and the Presidents of respondent Nos. 7 and 8 Union, in his office. He has heard their grievances in the presence of the Senior Superintendent of Police, Faridkot. The President of respondent Nos.7 and 8 Union have stated that they will not create any hurdle, obstruction and road blockage for the petitioner in discharge of his function and will not block the traffic in any manner.

In view of the reply/affidavit furnished by Deputy

Further, if still the petitioner-firm feels that there is any obstruction in the transportation, they are at liberty to approach respondent No.5, i.e., Deputy Commissioner, Faridkot for the redressal of their grievance.

Disposed of.

(HARI PAL VERMA)
JUDGE

16.08.2017
Dinesh

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No