

CWP-25549-2015

Date of Decision : 21.03.2017

Sant Baba Attar Singh Khalsa Truck Operator
Association Sandhaur

.....Petitioner

versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. H.P.S. Rahi, Advocate
for the petitioner.

Ms. Anu Pal, Asstt.A.G., Punjab
for respondents No. 1 and 5.

M.M.S. BEDI, JUDGE (ORAL)

Written statement filed on behalf of respondents No. 1 and 5 is taken on record.

Petitioner is an association of Truck Operators and it has sought writ in the nature of *mandamus* directing the respondents to allow use of tractor trolleys and unauthorized truck operator for lifting grain from the Grain Markets in District Sangrur, Punjab as the petitioner has been allotted the tender for the same.

In the reply filed on behalf of respondents No. 1 and 5 i.e. State of Punjab and Senior Superintendent of Police, Sangrur, it has been pleaded that the petitioner had filed an application dated 15.11.2015 to the Station House Officer Police Station, Sandhaur for taking action against the owners of Rice Mills who have been impleaded as respondents No. 7 to 13 to the effect that about 50-55 persons in the trucks, mentioned in the reply, armed with iron rods etc. had attacked the union members of the

petitioner. The said application was entrusted to ASI, Gurmej Singh. Another complaint was received from Aksh Goyal, owner of Mahavir Rice Mills, Gurbaxpura against the truck operators alleging that the said trucks had actually been snatched.

During the course of inquiry, in both the cross-complaints, the matter has been compromised and no criminal action was initiated. It is submitted by the State counsel that in view of said circumstances, this petition is rendered infructuous.

I have heard learned counsel for the petitioner and gone through the reply and I am of the opinion that the relief claimed by the petitioner union is in the nature of an injunction which would fall under the provisions of Section 38 and 39 of the Specific Relief Act. The petitioner has got an alternative remedy to enforce the legal rights by approaching the civil Court. Since petitioner is not seeking enforcement of any fundamental right and right of liberty, it will not be appropriate, in peculiar circumstances of this case, to exercise the writ jurisdiction.

Writ petition is disposed of as not maintainable and as having rendered infructuous without prejudice to the right of the petitioner to seek prohibitory and mandatory injunction as per the provision of law as the jurisdiction under Section 9 of the Code of Civil Procedure vests in the civil Court.

(M.M.S. BEDI)
JUDGE

21.03.2017
Neha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No