

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

208

CWP-11376-2017

Date of Decision: 22.01.2019

M/s Sham Pipes through its partner

--Petitioner

Versus

State of Punjab and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr.Mohd. Yousaf, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

TEJINDER SINGH DHINDSA.J.

Reply by way of affidavit of the Deputy Superintendent of Police, Sub Division, Dirba, District Sangrur, on behalf of respondents No. 1 to 3 has been filed in Court today and the same is taken on record. Copy already stands furnished to counsel opposite.

The instant writ petition was filed seeking issuance of a writ of mandamus for directing official respondents No.1 to 3 to restrain private respondents No. 4 and 5 from interfering in the business of the petitioner as also to run his business/trade which was the fundamental right as enshrined under Article 19 of the Constitution of India.

On a previous date of hearing i.e. on 23.05.2017, the following order was passed by this Court:-

“Notice to Advocate General, Punjab for a report pertaining to the infringement of fundamental right of the petitioner to carry on business in context to the conduct of respondents No. 4 and 5, for 12.07.2017.

Meanwhile, in case of any imminent threat to the petitioner, it will be open to it to approach the Senior Superintendent of Police, Sangrur for preventing the breach of peace by conduct of said respondents.”

In the written statement that has been filed in Court today, the following stand has been taken as contained in para 3 :-

“That pursuant to the said order, enquiry into the matter has been got conducted through S.H.O., P.S. Dirba, who further got the matter inquired through ASI Kulwinder Singh of P.S.Dirba. On the basis of facts emerged out during enquiry, S.H.O., P.S. Dirba has submitted report that enquiry into the matter was got conducted through ASI Kulwinder Singh, P.S. Dirba and during enquiry, petitioner Sham Lal M/s Sham Pipes, Dirba made statement dated 21.08.2017, before the Enquiry Officer that he has filed C.W.P. No.11376 of 2017 in the Hon'ble Punjab and Haryana High Court against Sukhwinder Singh, President, Truck Operators Union, Dirba etc. However, now a compromise has been effected between both the parties with mutual consent, so he does not want any action on the above said C.W.P. The petitioner Sham Lal also furnished copy of compromise dated 19.08.2017, duly attested by Notary Public, Sangrur and duly signed by the petitioner, respondent Nos. 4 and 5 and 3 more other respectable persons. In view of the statement and Compromise Deed furnished by the petitioner, no action is required to be taken in the matter by the local Police and there is no infringement of Fundamental Rights of the petitioner to carry on his business. True translated copies of statement dated 20.08.2017 made by the petitioner and Compromise Deed dated 19.08.2017 furnished by him are

annexed herewith as Annexure R-1/T and R-2/T respectively.”

In the light of such categoric averment as also the compromise having already been effected between the parties, nothing would survive for adjudication in the instant writ petition.

Petition is disposed of as infructuous.

(TEJINDER SINGH DHINDSA)
JUDGE

22.01.2019
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- i) Whether speaking/reasoned? Yes/No
- ii) Whether reportable? Yes/No