

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

101

**CWP No.7446 of 2020
Decided on : 22.05.2020**

Babaji Logistics through its partner Akhil Bansal

... Petitioner

Versus

State of Punjab and others

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. K.K. Goel, Advocate
for the petitioner.

G.S. Sandhawalia, J. (Oral)

The matter has been taken up by way of Video Conferencing through Cisco Webex Application in view of COVID-19 situation, as per instructions issued

In the present writ petition filed under Articles 226/227 of the Constitution of India the petitioner seeks directions to respondents No.2 to 5 to provide police protection/police security so that it can execute the handling and transport work awarded by respondent No.6, as per Annexure P-1 dated 03.04.2020.

It has been averred that private respondents No.7 to 12 and their members and agents are interfering in the day to day work/business of the petitioner and are stopping the petitioner to execute the work awarded by respondent No.6 and therefore, the constitutional rights of the petitioner as such are being violated.

Mr. Goel, has submitted that as per Annexure P-1, handling and transport contract of Hathur Centre of District Ludhiana has been granted for a period of 2 years and the private respondents No.7 to 12 as such who

are the President of Truck Union and other members and contractors etc. are not permitting the petitioner to enter the vehicles in the FCI Godown to execute the contract and creating hindrance.

Notice of motion.

Mr. Sahil Sharma, DAG, Punjab accepts notice on behalf of the official respondents.

The short reply has been filed in advance by respondent No.4, the DSP Raikot on behalf of respondents No.1 to 5, in which it has been alleged that on receipt of the application dated 22.04.2020 (Annexure P-2) by way of email on 27.04.2020, the inquiry had been marked to respondent No.5 for necessary action. Statements had been recorded of one Hakam Singh, who was working with the petitioner and other employees. Similarly respondents No.7, 8 and 11 had joined inquiry and their statements were also recorded. The statement of Kuldeep Singh, Manager, FCI Godown as such and Assistant Manager, Amit Kumar Dass was also recorded, apart from the statement of Security Incharge. As per inquiry no such alleged incident or occurrence took place at the Godown of FCI.

Counsel for the petitioner has argued and placed reliance upon additional affidavit filed by Mr. Akhil Bansal that incident as such has not taken place in the FCI Godown, whereas only one Truck is allowed to enter inside. The police protection/security be provided for executing the work and that the political leaders and official bearers of the truck unions are putting pressure on the police officials.

Keeping in view the fact that the petitioner has a valid contract (Annexure P-1) issued in its favour issued by respondent No.6, pertaining to transportation of the food-grains, the official respondents No.4 and 5 are under a bounden duty as such to ensure that protection is granted to the vehicles and the loading as such and the transportation is not hindered in any manner by private respondents or their agents and the said respondents do not take law in their hand.

Accordingly, the present writ petition is disposed off with the directions to respondent No.3 to ensure that the grievance raised by the petitioner is looked into and appropriate action is taken at the earliest, so that the private respondents do not create hindrance in the carrying out of the contract in favour of the petitioner.

The present writ petition is, accordingly, disposed off in the abovesaid terms.

MAY 22, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No