

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

258

CRWP-2042-2019

Date of decision: 27.01.2020

Raza

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : None for the petitioner.

Mr. Sandeep Singh Deol, D.A.G., Punjab
for respondents No.1 to 4.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed this petition under Article 226 of the Constitution of India praying for issuance of a writ in the nature of habeas corpus to get detenuess mentioned in para No.4 of the petition released from illegal custody of respondents No.5 to 7 by appointment of Warrant Officer or directing District Magistrate to visit the spot

Vide order dated 12.12.2019, respondent No.2-District Magistrate, Hoshiarpur was directed to treat the petition as complaint under Bonded Labour System (Abolition) Act, 1976 and take immediate action in accordance with law within a period of one week from the date of receiving certified copy of the order and to submit a report in this regard on or before the next date of hearing.

In compliance with the above said order, report by way of affidavit of Harbans Singh, PCS, Sub Divisional Magistrate, Garhshankar, District Hoshiarpur on behalf of District Magistrate has been filed.

In the report it is mentioned that the Sub Divisional Magistrate constituted a committee of Naib Tehsildar Mahilpur,

Assistant Labour Commissioner, Hoshiarpur and Station House Officer Mahilpur to visit the spot and enquire the matter. The committee informed the Sub Divisional Magistrate that they were not able to find any brick kiln of the name mentioned marka/label M.B.C. bricks in the area of village Khairar Rawal Bassi and village Achharwal. Then they wrote to District Food Supplies Controller, Hoshiarpur to provide the list of all the brick kilns situated in the area of Tehsil Garhshankar in response to which District Food Supplies Controller, Hoshiarpur provided complete list of all the brick kilns operative in Tehsil Garhshankar in which it was revealed that only two brick kilns namely Parmar BKO Marka PARMAR and Ram Lal BKO Marka GARG are operative in the area of village Khairar Rawal Bassi and no brick kiln exists in village Achharwal. It was further reported by the committee that after visiting the the premises of both the brick kilns operative in the area of village Khairar Rawal Bassi and village Achharwal it was found that no brick kiln with Marka M.B.C. was situated in the area of village Khairar Rawal Bassi and Achharwal, Tehsil Garhshankar, District Hoshiarpur. As such question of illegal detention of any person at the brick kiln Marka M.B.C. does not arise.

None had appeared for the petitioner on the last date. Even today the petitioner is not represented by anyone.

In view of the above referred report, no further action is required to be taken on the present habeas corpus petition which is disposed of accordingly.

27.01.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No