

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

275

CWP No. 10151 of 2022 (O&M)

Date of decision :24.11.2022

M/s New Guru Rakha Transport Co. and Anr.

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

**Present:** Mr. Sanjeev Sharma, Sr. Advocate with  
Mr. Sandeep Singh, Advocate and  
Mr. Vikram Vir Sharda, Advocate for the petitioners.

Mr. Inderpreet Singh Kang, AAG Punjab.

Mr. Hari Om Verma, Advocate for respondent No. 6.

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**VINOD S. BHARDWAJ, J. (ORAL)**

The instant writ petition has been filed under Article 226 of the Constitution of India seeking issuance of directions especially in the nature of Mandamus directing the official respondents to ensure that the petitioners are not stopped from operating their trucks/tippers from the location of Ambuja Cement Thermal Plant, Rupnagar.

Briefly summarise the facts of the case are that the petitioners are in the business of transportation since 2010 and are mainly involved in the work of lifting and disposal of fly ash discharged from coal or lignite based thermal power plants on land. The petitioners operate as many as 400 trucks /tippers to carry out the said business.

The Punjab State Power Corporation Limited had engaged the petitioners for lifting of the fly ash from its thermal powers stations which

Pollution Control Board. It was alleged that the respondents who are the office bearers of the local transport association are not allowing free and uninterrupted operations of the petitioners and thus create impediments. They are pressurizing the petitioners and their employees to not ply their vehicles and instead engage the services of the private respondents therein.

Affidavit of Mr. Ravinderpal Singh, PPS, Deputy Superintendent of Police, Sub Division Rupnagar, District Rupnagar had been filed on behalf of the respondent Nos. 1 to 4 wherein it had been averred as under:

*“That it is respectfully submitted that the deponent assures this Hon'ble Court that District police is taking all possible steps to ensure the protection of law and order in the District and in case, any offence is found to have taken place within the jurisdiction of District Rupnagar, then, appropriate legal action is taken against the wrongdoer. It is relevant to mention here that recently, case/FIR No. 30 dated 18.05.2022 under Sections 323, 379-B, 385, 148, 149 IPC was registered at PS Sadar Rupnagar, District Rupnagar against Rajinder Singh (respondent No. 6) and his associates namely Paramjit Singh, Narinder Singh, Meet, Bhag Singh, Mani, Pammu Sarpanch and one unknown person on the statement of Atul Kumar on the allegations of beating him and snatching away his Apple-7 watch, neck chain about 5 Tolas, cash Rs. 145,000/- and Truck No. HP-19 B-1679, wherein the respondent No. 6 was arrested on 18.05.2022 and the case is presently under investigation.”*

Learned counsel appearing on behalf of respondent No. 6 has filed a

separate reply. Copy of the same has been handed over to the learned counsel for the petitioners. It has been averred in the said statement of the answering respondent No. 6 that he is a whistle blower and has been unnecessarily drag in the litigation and has no concern with the same. It is further submitted that earlier an FIR No. 30 dated 18.05.2022 was registered against respondent No. 6 and upon investigation, a cancellation report was recommended and the same has been accepted by the Illaqa Magistrate and he has been discharged.

Learned counsel for the petitioner however contends that since an undertaking has already been given by the District Police in the affidavit of Mr. Ravinderpal Singh, PPS, Deputy Superintendent of Police, Sub Division Rupnagar, District Rupnagar as incorporated in Para 4 extracted above, the present petition may be disposed of directing the respondent-District Police to take appropriate steps as per the undertaking recorded above against the wrongdoers on occurrence of any illegality. The petition is accordingly disposed of.

Respondent Nos. 1 to 4 shall remain bound by the undertaking and take appropriate legal action against the wrongdoer so that lawful operations of the petitioner and/or any other party are not prejudiced by unlawful display of authority.

**November 24, 2022**

Rajeev (rvs)

**(VINOD S. BHARDWAJ)**

**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No