

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

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**CWP-25364-2021 (O&M)
Date of Decision: 02.09.2022**

KRBL LTD.

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Akshay Bhan, Sr. Advocate with
Mr. Aman Bansal, Advocate for the petitioner.

Mr. Saurav Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Articles 226/227 of the Constitution of the India for issuance of a writ in the nature of Mandamus directing the respondents No.1 to 6 to provide police protection for the life and property of the petitioner and its employees as there is impending threat from the private respondents as well as the leaders of the Truck Operator Union.

Learned Sr. Counsel for the petitioner has pointed out that the petitioner is the largest exporter of *Basmati* rice and that the respondent No.7-Truck Operator Union started protesting in an unauthorized manner in front of the main gate and other entry gates of the petitioner mills. The said respondents did not allow the petitioner to take entry of any vehicle as well as raw material inside the factory premises and did not allow any truck to leave the premises. Such movement is essential for smooth functional operations of the unit of the petitioner. Even the employees/residents in the mill were not

allowed to cross the colony gate of the factory, which is rather an act of illegal detention and wrongful confinement of the petitioner.

Pursuant to the notice of motion issued, response by way of an affidavit of Parminder Singh, DSP, Sub Division, Dhuri, District Sangrur on behalf of the respondents no.1 to 6 has been filed. Copy thereof stands furnished to the learned Sr. Counsel for the petitioner. The relevant extract of the same reads thus:

“4. That acting in accordance with the law, apart from filing the above FIR, the situation was brought under control by the local police acting prudently and discharging their official responsibilities in accordance with law, while controlling the protestees and the main gate of the petitioner's "KRBL factory, Bhasaur" has been evacuated.

5. That in order to ensure the protection of the lives and liberty of the petitioner as well as its workers, necessary action has been taken against the responsible persons (protestees) and the protest has been called off. Sh. Ravinder Kumar Sharma, Authorised representative of KRBL, Bhasaur recorded his statement dated 16.12.2021. Wherein, he stated that a CWP No. 25364 was filed by him in the Hon'ble Punjab and Haryana High Court against Ajaib Singh etc. Now the gate of their KRBL factory has been emptied by the protestees and the traffic has resumed as before. Now, they have no apprehension of danger at the hands of anybody. True translated copy of statement is annexed as Annexure R-2/T for the kind perusal of this Hon'ble Court.

6. That as per the detailed facts submitted above, the grievance of the petitioner as mentioned in the present petition has been removed and the protection of lives and liberty of the petitioner and its workers has been ensured. Apart from the said facts a close vigilant is continuously being maintained in and around the KRBL, Limited Bhasaur.”

Learned State counsel for the respondent-State contends that the grievance espoused by the petitioner has thus been redressed and all the protesters have been removed from the gate and premises of the petitioner. There is no impediment of the smooth functioning of the unit of the petitioner.

Learned Sr. Counsel for the petitioner, however, contends that the phenomenon is oft repeated and that the respondent authority be directed to ensure that such unlawful activities as may impede the smooth functioning of the petitioner mill at the behest of miscreants ought to be stopped and that they should be directed to take all effective measures to ensure that such actions are not repeated in future also.

The aforesaid prayer of the petitioner is not objected to by the learned State Counsel and he, on instructions from SI Baljeet Singh, undertakes that appropriate effective measures shall be taken to ensure that such acts are not repeated as would amount to deprivation of the right and entitlement of the petitioner to carry on its trade by forcibly locking entry/exit from the premises of petitioner or its access.

The present petition is disposed of accordingly.

The respondent-State shall remain bound to ensure law and order being maintained. Liberty is, however, granted to the petitioner to take recourse to the appropriate remedies available to it in accordance with law for seeking compensation/damages from the private respondents.

02.09.2022
rajender

(VINOD S. BHARDWAJ)
JUDGE

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