

CRWP-10491-2022

Date of decision: 04.11.2022

Meharban

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** None.**NAMIT KUMAR, J. (ORAL)**

The instant petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of habeas corpus directing respondents No.1 to 3 to get released the detenues mentioned in Para No.4 of the petition, from the illegal custody of respondents No.4 to 7.

As the members of the Bar are abstaining from work today and given the nature of the case, this Court deems it appropriate to decide the petition without issuing notice to official respondents at this stage.

Hon'ble Division Bench of this Court in ***LPA No.32 of 2013*** titled as '***Maruti Vs. The State of Punjab and others***', decided on 11.01.2013, observed as under:-

“It may be mentioned here that the allegations of the appellant in the writ petition are that the alleged detenues mentioned in para No.3 of the writ petition who are working as labourers at the brick kiln of respondent Nos.4 & 5 are being kept as bonded labours. There can indeed be no doubt that if a labourer has been detained as bonded labour, it amounts to an offence under Sections 16 & 17 of the Bonded Labour (Abolition) Act, 1976. We, however, clarify that the aforesaid observation does not mean that the allegations leveled by the appellant have been accepted.

Suffice it to observe that under the Act, the District Magistrate is under statutory obligation to hold a fact finding inquiry as and when a complaint alleging violation of the provisions of the Bonded Labour (Abolition) Act, 1976 is received. Since the appellant in the instant case has specifically averred that the persons mentioned in para No.3 of the writ petition have been detained as bonded labourers, we allow this appeal and set aside / modify the order dated 9.1.2013 passed by the learned Single Judge to the extent that the petitioner's writ petition is disposed of with a direction to the District Magistrate, Sangrur, to treat this writ petition as a complaint under the 1976 Act and take immediate action in accordance with law, within a period of one week from the date of receiving a certified copy of this order along with a copy of the writ petition.”

On perusal of the records and in view of the above noticed judicial precedent, this Criminal Writ petition is disposed off with a direction to respondent No.2-District Magistrate, Sonapat to treat this petition as a complaint under the Bonded Labour System (Abolition) Act 1976 and take immediate action in accordance with law within a period of one week from the date of receipt of copy of this order along with copy of the writ petition.

A copy of this order long with copy of writ petition be sent to respondent No.2-District Magistrate, Sonapat immediately, for ensuring requisite compliance.

04.11.2022
Neha

(NAMIT KUMAR)
JUDGE

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