

Aasha Devi

.... Petitioner

Versus

The State of Haryana and others

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Aditya Partap Singh, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Prayer in this Criminal Writ Petition under Article 226 of the Constitution of India is for issuance of a writ in the nature of Habeas-Corpus for the release of detenues as mentioned in para 2 of the writ petition from the illegal and unlawful custody of respondents No. 4 to 6 by appointing a Warrant Officer.

Briefly, the petitioner and the detenues as mentioned in para 2 of the petition were contacted by respondents No. 4 and 5 at their brick kiln under the name and style of A-Z (Shivshankar Bricks Company) situated at village Prithipur, Police Station Bilaspur, Tehsil Bilaspur, District Yamuna Nagar, Haryana, for manufacturing kachha bricks @ Rs.750/- per thousand kachha bricks and assured the petitioner and the detenues that they would not have any problem regarding the payment. Later on, the petitioner and the detenues found that the earth was unfit for preparation of bricks. They pointed out that making bricks out of the unfit earth will cost them more labour and ultimately the produce will also not to be good. The work at the spot is valued Rs.75,000/- but as and when the petitioner and the detenues asked for payment, respondents No. 4 and 5 have delayed the payment on the one pretext or the other.

Respondents No. 4 and 5 did not allow them to go to their home and earn their livelihood in violation of the provisions of Bonded Labour System Abolition Act, 1976. The petitioner has also moved a representation/application dated 04.01.2023 (Annexure P-1) to respondent No. 2-District Magistrate, Yamuna Nagar, in this regard but till date no action has been taken on the said representation. Hence, the present writ petition.

Learned counsel for the petitioner submits that at this stage he would be satisfied if the present writ petition is disposed of with a direction to respondent No. 2 to examine and take action on the issues raised by the petitioner in her representation/application dated 04.01.2023 (Annexure P-1).

I find the prayer made by learned counsel for the petitioner to be reasonable.

Accordingly, at this stage, without commenting on the merits of the case, the present petition is disposed of with a direction to respondent No.2–District Magistrate, Yamuna Nagar, to examine the representation/application dated 04.01.2023 (Annexure P-1), submitted by the petitioner and decide the same as expeditiously as possible. If some substance is found in the averments made in the representation, respondent No. 2 shall take further action in accordance with law.

January 09, 2023

rishu

(ASHOK KUMAR VERMA)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No