

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

## 1. CWP-20772-2022

**Date of Decision:19.01.2023**

M/S NEELKANTH RICE MILLS AND ORS .....Petitioners

VS

STATE OF PUNJAB AND OTHERS ...Respondents

## 2. CWP-20790-2022

M/S NEW R.B TRANSPORT CO .....Petitioner

VS

STATE OF PUNJAB AND OTHERS ...Respondents

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

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Present: Mr. Parminder Singh, Advocate  
for the petitioners in CWP-20772-2022.

Mr. Siddharth Gupta, Advocate  
for the petitioners in CWP-20790-2022

Ms. Niharika Sharma, AAG, Punjab.

Mr. Nirmaljeet Singh Sidhu, Advocate  
for respondents No.7 to 14 in CWP-20790-2022

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

Both these petitions are being taken up for disposal by a common order as the legal issue that arises for consideration is identical and the parties representing agrees to the same.

The writ petitioners came up for intial hearing on 13.09.2022 when the following order was passed:-

*“Learned counsel for the petitioners contend that the petitioners, who are the rice millers in the said area are being compelled by the private respondents (Truck and Labour Unions) to engage transport/cartage and labour of the concerned Union and not to engage any other transport vehicle or labour from outside. It is further contended that as a result of undue pressure and coercion by the private respondents, the*

*petitioners have to submit to their whimsical demands and incur heavy financial losses. It is pointed out that numerous representations in this regard have been submitted to the authorities concerned and that the petitioners as well as other similarly placed persons have to regularly approach this Court for seeking appropriate directions. It is further contended that the private respondents are purportedly pressuring the industrialists of the concerned area under the protection of some police officials/officers.*

*It is further contended that the private respondents are also creating hurdles in the way of petitioners in CWP-20790-2022, who are also the transport and labour service providers (other than the respondents in CWP-20772-2022) and are being sought to be engaged by the industrialists of the concerned area.*

*Notice of motion.*

*Mr. Saurav Verma, Addl. A.G., Punjab who is present in the Court, accepts notice on behalf of the official respondents and seeks time to complete instructions.*

*I have heard the learned counsel for the parties and have gone through the present petitions.*

*It is evident that a large number of similar petitions are being filed by the industrialists/rice millers of the said area seeking issuance of the directions against the highhandedness on the part of private respondents (Local Truck Operators and Labour Unions) who are constantly pressurizing the industrialists of the concerned area to engage their services and prohibiting any other service providers/labour being engaged by the Mills/Industrial Units. The State of Punjab had earlier notified the Punjab Goods Carriage (Regulations and Prevention of Cartelization) Rules, 2017 with an intent to check such a menace and to promote the competitive atmosphere in the State. It seems that the private Truck Unions and the Labour Unions are hand-in-glove with the local administration and the officials responsible for ensuring compliance of the rule of law have chosen to remain silent and non-responsive to the demands being raised by the industrialists. Repeated orders have been passed by this Court in multiple petitions, which are pending adjudication or have been disposed of by this Court.*

*Hence, in the given set of circumstances, it is deemed expedient and necessary to direct the I.G., Bathinda Range to submit a detailed status report with regard to the*

*actions taken or to be taken on the representation(s) of the petitioner(s). The report must also state the circumstances explaining the reasons for failure on the part of the Sub-Divisional Magistrate and SHO concerned to take expeditious steps to maintain law and order in the concerned area for prima-facie failure on their part to perform their statutory obligation. The requisite status report be filed by the I.G. Police, Bathinda Range within a period of two months from today positively.*

*To come up on 08.12.2022 for further consideration.*

*In the meantime, the petitioners may also approach the I.G. Police., Bathinda Range to address their grievances.”*

Reply on behalf of respondents No. 1 to 4 has already been filed  
relevant extract thereof read thus:-

*“3. That after inquiring into the facts and circumstances thoroughly, the Senior Superintendent of Police, Bathinda, submitted his report no.5177/Litigation dated 01.12.2022 whereby he submitted that on his instructions, the Deputy Superintendent of Police, Sub-Division, Phul, Bathinda, looked into the matter keenly and meticulously and prepared a report no.607/Litigation/2022 dated 19.11.2022, wherein he stated that he inquired the matter thoroughly and statements of representatives of petitioners as well as of respondents No. 5 and 6 were recorded and it was found that the dispute between petitioners, Labour Union and Truck Union Rampura was regarding loading and unloading of Rice Chhilka (Rice Husk) etc from the premises of the Rice Mills. The petitioners concern was that the Truck Union and Labour Union create nuisance, when they engage trucks and private labour from outside the union for loading and unloading rice, husk. Deputy Superintendent of Police (Phul) convened a meeting of all the stake holders i.e. representatives of rice mills, truck operators and labour (Chhilka) union to iron out the differences through talks. Truck operators and labour union were warned that strict legal action will be taken against them in case they hamper the lawful business activities of rice millers or harass them in any manner. The petitioners were also assured in the meeting that their life & liberty will be protected at all cost. Moreover, the police is in continuous touch with the petitioners to ensure smooth running of their business and to ensure their safety. The petitioners have also been provided direct contact numbers of*

*Station House Officer(s) of concerned Police Station(s), so that the petitioners can immediately and directly call him/them in case of any hindrance caused in their work. During the course of inquiry the representative of the petitioners by way of written statement have shown their satisfaction with the action taken by the police ensuring smooth conduct of their business without any hindrance.*

*4. That it is pertinent to state that in one instance where members of chhilka union had attacked the vehicle and staff of petitioner no.1, FIR No.117 dated 14.08.2022 under Section 458, 323, 148, 149, 506, 427, 341 IPC, P.S. Rampura City was immediately registered against Sukha Singh, leader of Chhilka Labour Union, Rampura, Inderjit Singh r/o Dhipali, Sohani Singh r/o Mandi Rampura, Jagdev Singh S/o Budh Singh and Kuldeep Singh S/o Nihal Singh R/o Burj Gill. All the accused have been arrested and challan has been prepared after completion of investigation. The challan has been submitted for legal checking and will be presented in Court shortly.*

*5. That so far as annexure P-1 and P-2 are concerned, the said representations have been inquired by the Senior Superintendent of Police, Bathinda through Deputy Superintendent of Police, Sub Division, Phul, Bathinda, who submitted the detailed report No. 359/Lit/2022 dated 06.08.2022. He submitted that a meeting of all the stake holders i.e. unions as well as rice mill owners were convened in his office in which truck operators and labour union representatives were warned against indulging in any illegal practice or disrupting the business activities of the rice mill owners. The rice mill owners were also asked not to use tractor trolley for commercial purpose and to provide wages to labour at DC Rate. At that time all the stake holders had given their consent on account of above mentioned suggestions.*

*6. That after the one incident mentioned above all the rice mill owners are running their business smoothly over the past months. There was no problem reported even during the busy season of paddy lifting and storing which has recently passed. No hindrance or harassment was caused by labour chilka union or truck operators in view of the efforts made by the administration as stated above.”*

It is evident from the perusal of the above that the respondent administration has taken effective steps to curb the incident and has also registered a criminal case against the suspects. The said aspect stands

crystallised from the fact that no further case has been reported regarding such incident. Mr. Aswant Singh, DSP, Phul is present in Court and submits that the District administration shall take effective measures to prevent the recurrence of any such incident causing forcible impediment for the carrying on of lawful business operations by the petitioner.

Learned counsel for the respondents No. 7 to 14 (in CWP-20790-2022) submits that the barriers of respondent truck union have in no way created any impediment in the lawful operations of the petitioners.

In view of the written statement and the averments noticed above as also the statement made by the DSP today in Court, no further directions are required to be issued in the present petition and the same is accordingly disposed of as having been rendered infructuous at this stage. Respondent-State shall, however, remain bound by its undertaking.

19.01.2023  
*pry*

(VINOD S. BHARDWAJ)  
JUDGE

*Whether speaking/reasoned* : Yes/No

*Whether reportable* : Yes/No