

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON
&
THE HONOURABLE MR. JUSTICE P.D.RAJAN**

TUESDAY, THE 30TH DAY OF DECEMBER 2014/9TH POUSHA, 1936

WP(C).No. 35268 of 2014 (G)

PETITIONER:

**SUVARNAKUMAR.V.N, AGED 53 YEARS,
S/O.NARAYANAN, VATTEKKATTU VELY,
CHERTHALA SOUTH VILLAGE, CHERTHALA P.O,
CHERTHALA TALUK, ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.KRISHNA PRASAD. S
SRI.B.SIBI**

RESPONDENT(S):

- 1. THE GENERAL SECRETARY,
MADYA VYAVASAYA MASDOOR SANGH(B.M.S),
B.M.S OFFICE, CHERTHALA P.O, ALAPPUZHA - 688 524.**
- 2. THE DISTRICT LABOUR OFFICER,
ALAPPUZHA DISTRICT.**
- 3. THE SUB INSPECTOR OF POLICE,
PATTANAKKADU POLICE STATION,
CHERTHALA, ALAPPUZHA DISTRICT - 688 524.**
- 4. DEPUTY SUPERINTENDENT OF POLICE CHERTHALA,
ALAPPUZHA DISTRICT - 688 524.**
- 5. THE DISTRICT POLICE CHIEF,
ALAPPUZHA DISTRICT - 688 506.**
- 6. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**

R2 TO R6 BY GOVERNMENT PLEADER SMT.LAWSYA

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-12-2014, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1 : A TRUE COPY OF THE MEMORANDUM OF AGREEMENT
DATED 15-07-2014.**
- EXHIBIT P2 : A TRUE COPY OF THE REPLY SENT BY THE PETITIONERS
ASSOCIATION TO THE 2ND RESPONDENT DATED 28/11/2014.**
- EXHIBIT P3 : A TRUE COPY OF THE APPLICATION DATED 18/12/2014 BEFORE THE
DEPUTY SUPERINTENDENT OF POLICE CHERTHALA.**
- EXHIBIT P4 : A TRUE COPY OF THE RECEIPT ISSUED FROM THE OFFICE OF THE
DEPUTY SUPERINTENDENT OF POLICE CHERTHALA DATED 18/12/2014**
- EXHIBIT P5 : A TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE
THE 3RD RESPONDENT DATED ON 21/12/2014.**
- EXHIBIT P6 : A TRUE COPY OF THE RECEIPT OF THE PETITION DATED 21-12-2014
BY THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON

&

P.D. RAJAN, JJ.

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W.P.(C)No. 35268 OF 2014
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Dated this the 30th December, 2014

J U D G M E N T

P.R.Ramachandra Menon, J:

The petitioner has approached this Court with the following prayers::

- i) to issue a writ of mandamus or any other writ , direction or order , directing the respondents 3 to 5 to provide sufficient and adequate police protection to the life and properties of the members of the petitioner as well as their employees to conduct the Toddy business in the respective area without any threat or hindrance from the members of 1st respondent and their men ;and*
- ii) To issue such other reliefs as this Hon'ble Court may deem fit in the circumstances of this case.*

2. Pursuant to the notice issued by this Court, ,the first respondent/General Secretary, Madya Vyavasaya Masdoor Sangh has entered appearance. The learned Counsel for the petitioner submits that the petitioner is one of the licensees of the Toddy Shops bearing Nos.105 to 109 of Cherthala Range within the limits of Pattanakkad Police Station. It is also stated that some settlement has been arrived at between the workers represented

by various Trade Unions and the petitioner and their associations with regard to the conditions of service. It is also stated that the petitioner is following the same and there was absolutely no grievance for anybody from any corner, but for the first respondent. According to the petitioner, the first respondent is claiming something more, which is not covered by settlement and is intercepting the day-to-day operations of the Toddy Shops, creating law and order situation. The life and properties of the petitioner are under threat. In spite of filing a complaint before the police, no proper action was taken. Hence this writ petition.

3. The learned Government Pleader, on instruction, submits that the matter has been enquired into and that there is no threat to the law and order situation as on date. It is also stated that, if at all any such occasion arises, the police will definitely take appropriate steps to meet the situation most effectively.

4. The learned Counsel appearing for the first respondent/General Secretary submits that the allegations levelled against the first respondent are not correct and that they are not causing any wilful obstruction to the business run by the

petitioner or any threat to the life and properties of the petitioner or the workers. The demand placed by the first respondent with regard to the service conditions of the concerned workers is perfectly within the four walls of law and that appropriate steps are being pursued to get their rights established, submits the learned Counsel. It is also asserted that no forceful obstruction will be caused from the part of the first respondent or anybody under them in this regard.

5. In the light of the submission made on behalf of the first respondent and also by the learned Government Pleader, this Court does not find it necessary to pass any further orders. The writ petition is disposed of, making it clear that, if at all there arises any necessity or occasion for intervention by the police in connection with the law and order situation, the matter shall be reported to the police, upon which appropriate and effective steps shall be taken to meet the threat to the law and order situation.

P.R.RAMACHANDRA MENON
JUDGE

P.D. RAJAN,
JUDGE

W.P.(C)No. 35268 OF 2014

4

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