

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 768 of 2015 (U)

PETITIONER :

**KUMARAKOM LAKE RESORT
(A UNIT OF PAUL RESORTS & HOTELS PVT. LTD.)
KUMARAKOM NORTH PO.,
KOTTAYAM 686 563
REP.BY THE DIRECTOR.**

**BY ADVS.SRI.SAJI VARGHESE
SMT.MARIAM MATHAI**

RESPONDENT(S) :

- 1. THE CIRCLE INSPECTOR OF POLICE
KOTTAYAM WEST, PIN - 686 001.**
- 2. THE SUB INSPECTOR OF POLICE
KUMARAKOM, PIN - 686 653.**
- 3. THE DISTRICT LABOUR OFFICER
CIVIL STATION, KOTTAYAM, PIN - 686 002.**
- 4. KERALA ARTISANS UNION (CITU)
KOTTAYAM DISTRICT COMMITTEE, OOLY LODGE, KOTTAYAM
PIN - 686 001, REP. BY ITS MR.P.B.ASOKAN (SECRETARY,
KERALA ARTISANS UNION, KUMARAKOM NORTH AREA COMMITTEE)**
- 5. THE KOTTAYAM DISTRICT CONSTRUCTION WORKERS SANGH
BMS OFFICE, TB JUNCTION , ML ROAD, KOTTAYAM
PIN - 686 039, REPRESENTED BY K.G.RAMADEVI, PRESIDENT**
- 6. MR.SASI
ASARI PARAMBIL,
KUMARAKOM NORTH PO,
KOTTAYAM, PIN - 686 563.**

7. MR.SATHYAN,
S/O.MR.THANKUKUTTAN, CHEPPENNU KARIYIL
KUMARAKOM NORTH PO, KOTTAYAM, PIN- 686 563.
 8. MR. SHIJI
S/O.MR.PAVITHRAN,
PALLICHIRA, KUMARAKOM NORTH PO
KOTTAYAM, PIN 686 563.
 9. MR.MANU
S/O.MADHU, THACHARA THOPPIL, CHEPPENNU KARIYIL
KUMARAKOM NORTH PO, KOTTAYAM , PIN - 686 563.
 10. MR.KANNAN
S/O.SIVADMAJAN, THACHARA THOPPIL, CHEPPENNU KARIYIL
KUMARAKOM NORTH PO, KOTTAYAM, PIN -686 563.
 11. MR.THANKACHAN
PUTHUPARAMBIL, BEHIND S.N.COLLEGE,
KUMARAKOM NORTH PO.,
KOTTAYAM, PIN - 686 563.
- R1 TO R3 BY SR. GOVT. PLEADER SRI. C.R. SYAMKUMAR
R4, R6, R7, R8 & R11 BY SENIOR ADVOCATE SRI.T.A.SHAJI
BY ADV. SMT.NAMITHA JYOTHISH
R5 BY ADV. SRI.S.MANU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...3/-

WP(C).No. 768 of 2015 (U)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1 COPY OF THE COMPLAINT DATED 2/12/2014 FILED BY THE
 PETITIONER BEFORE THE 1ST AND 2ND RESPONDENTS.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

ASHOK BHUSHAN, Ag.CJ

& A.M.SHAFFIQUE, J.

*** * * * ***

W.P.C.No.768 of 2015

Dated this the 6th day of February 2015

J U D G M E N T

Shaffique,J

Petitioner has approached this Court seeking police protection. Petitioner is the Director of Kumarakom Lake Resort on the banks of Vembanadu Lake at Kumarakom. They have engaged members of respondents 4 and 5 Unions to carry out certain work in the resort. On account of certain internal issues, certain members of the 4th respondent have joined the 5th respondent Union. This has resulted in a conflict between the two Unions and therefore the entire work in the lake resort is being obstructed. According to the petitioner, they are willing to engage all the workers who were working in the resort and on account of internal rivalry between respondents 4 and 5, the petitioner is unable to carry out the work. Though a complaint has been filed by

the petitioner before the police to ensure law and order to enable him to carry out the work by engaging the workers of their choice, no action has been taken by the police so far.

2. Counter affidavit has been filed by the 5th respondent inter alia stating that they do not intend to engage any workers other than the workers who had already been working in the said resort. They have no issue with the 4th respondent and are not obstructing the work being carried out by the petitioner as well.

3. The learned counsel for the 4th respondent submits that an issue is pending before the 3rd respondent and the matter is being considered by the said authority. They would also submit that they do not intend to obstruct the work being done by the petitioner.

4. Under these circumstances, we are of the view that respondents 4 and 5 Unions or their members including respondents 6 to 11 have no right to obstruct the work being carried out by the petitioner by engaging workmen of their

choice. Therefore, there will be a direction to respondents 1 and 2 to ensure maintenance of law and order in the matter relating to work being carried out by the petitioner.

With the above observation, this writ petition is disposed of.

(sd/-)
**(ASHOK BHUSHAN,
ACTING CHIEF JUSTICE)**

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr

