

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

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C).No. 3534 of 2015 (N)

PETITIONER(S) :

M/S. K.V.JOSEPH
AND SONS PRIVATE LIMITED,
ENGINEERING CONTRACTORS, 565
KURIEKAL BUILDING, EDAPPALLY PO, KOCHI-682024
REPRESENTED BY ITS MANAGING DIRECTOR.

BY ADVS.SRI.S.EASWARAN
SRI.P.MURALEEDHARAN (IRIMPANAM)
SRI.M.A.AUGUSTINE

RESPONDENT(S) :

1. THE CIRCLE INSPECTOR OF POLICE,
NORTH PARUR, PIN 682001

2. ERNAKULAM JILLA KETTIDA
NIRMANA THOZHILALI UNION (CITU)
EZHIKKARA VILLAGE COMMITTEE
PO EZHIKKARA , N.PARUR-683513
REPRESENTED BY IS CONVENNER AC SHAN

3. ERNAKULAM JILLA KETTIDA
NIRMANA THOZHILALI UNION (INTUC) REPRESENTED BY
ITS CONVENER SRI. P.R RAJESH CHATHANAD SIE
PALLATH KADAKKARA, PO EZHIKKARA-683513

4. ERNAKULAM JILLA
NIRMANA THOZHILALI SANGH (BMS) REPRESENTED
BY ITS SECRETARY BMS CHATHAND UNIT
VK AMBUJAKSHAN VAZGHAKOOTTATHIL, CHATHANAD,
PO EZHIKKARA 683513

5. AITUC, REPRESENTED BY
ITS CONVENER SRI BALAN,
MAVELLIPARAMBU, CHATHANAD, PO
EZHIKKARA 683513

FOR R1 GOVT. PLEADER SRI. SHYAM KUMAR
FOR R3 BY ADV. SRI.C.S.AJITH PRAKASH &
ADV. SRI. P.S. SYAMKUTTAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 19-02-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C).No. 3534 of 2015 (N)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: COPY OF WORK ORDER NO CC/GM/ EKM
533/013/1782 DT. 30.5.2014 ISSUED TO THE
PETITIONER BY THE KERALA STATE CONSTRUCTION
COPORATION LIMITED

EXHIBIT P2: COPY OF AGREEMENT NBI.CC/ GM/
CA/ 323/2014-15 DATED 21ST JUNE, 2014 EXECUTED
BETWEEN THE PETITIONER AND M/S KERALA STATE
CONSTRUCTION CORPORATION LIMITED

EXHIBIT P3: COPY OF PETITION DATED 31ST
JANUARY, 2015 SUBMITTED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT

EXHIBIT P4: COPY OF ORDER DATDED 4TH JUNE,
2008 IN WPC NO.15580 OF 2008

/True copy/

P.S. To Judge

ASHOK BHUSHAN , Ag. CJ,
&
A.M.SHAFFIQUE, J.

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W.P. (C) No. 3534 of 2015 – N
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Dated this the 18th day of February, 2015

JUDGMENT

Shaffique, J.

Petitioner has approached this Court seeking police protection to carry on the work of construction of a bridge.

2. Petitioner has undertaken the work of construction of “GIDA Moolampilluy – Chathanad Road Project – Phase II- Construction of Valiyakadamakkudi – Chathanad Bridge and approaches in Kadamakkudy Panchayath in Ernakulam District as per Ext. P1 work order. Ext. P2 is the agreement relating to the said work.

3. The piling work in respect of the construction of the bridge has been completed and when the petitioner attempted to carry on with the other works, obstruction has been caused by respondents 2 to 5 Unions and their men. Petitioner submitted

Ext. P3 complaint before the 1st respondent. Since no action has been taken in the matter, petitioner has approached this Court seeking police protection for carrying on the work. It is inter alia contended that the members of the respondent Unions have no right to obstruct the work which is being carried on by the petitioner by their own skilled workers. A counter affidavit has been filed by the 3rd respondent inter alia stating that they have not created any obstruction as alleged. They have entered into an agreement with the Association of Builders and they are willing to comply with the terms and conditions in the said agreement.

4. Though notice was served on other private respondents, there is no appearance.

5. Having regard to the fact that the petitioner is facing obstruction from members of the respondent Unions, it is all the more necessary for the police to interfere and ensure that law

and order is maintained. Petitioner, who is a contractor carrying on the work of construction of a bridge which is for public benefit, has to be provided adequate protection for carrying on their work and police is to ensure that no illegal obstruction takes place at the work site of the petitioner.

6. Under such circumstances, the first respondent shall ensure that law and order is maintained and the petitioner is able to carry on the work without any obstruction from respondents 2 to 5 and their men, by employing the workers the petitioner's choice.

This Writ petition is allowed as above.

ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

A.M.SHAFFIQUE,
JUDGE

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