

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 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 6228 of 2015 (C)

PETITIONER(S) :-

MANJILAS FOOD TECH PVT.LTD.,
TC 16/1382, SASTHRI ROAD, NELLIKUNNU
THRISSUR DISTRICT
REPRESENTED BY ITS MANAGING DIRECTOR
SAJEEV MANJILA.

BY ADVS.SRI.M.P.ASHOK KUMAR
SRI.P.C.GOPINATH
SMT.BINDU SREEDHAR
SMT.R.S.MANJULA

RESPONDENT(S) :-

1. STATE OF KERALA REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. DIRECTOR GENERAL OF POLICE, TRIVANDRUM - 695 001.
3. THE SUPERINTENDENT OF POLICE, THRISSUR - 680 001.
4. THE DISTRICT COLLECTOR,
CIVIL STATION, AYYANTHOL, THRISSUR DISTRICT-680 003.
5. THE CIRCLE INSPECTOR OF POLICE,
VIYYOOR POLICE STATION, THRISSUR DISTRICT - 680 010.
6. THE SUB INSPECTOR OF POLICE,
VIYYOOR POLICE STATION, THRISSUR DISTRICT - 680 010.
7. THE BHARATIYA JANATHA PARTY (BJP), DISTRICT OFFICE,
PAZHAYANADAKKAVU, THRISSUR DISTRICT - 680 001,
REP. BY ITS SECRETARY.

R1 TO R6 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1: PHOTOCOPY OF THE PETITION DATED 24.01.2015.

EXT.P2: PHOTOCOPY OF THE COMPLAINT DATED 30.01.2015 SUBMITTED BEFORE THE
1ST RESPONDENT.

EXT.P3: PHOTOCOPY OF THE COMPLAINT DATED 30.01.2015 SUBMITTED BEFORE THE
2ND RESPONDENT.

EXT.P4: PHOTOCOPY OF THE ACKNOWLEDGEMENT CARD ISSUED BY THE 1ST RESPONDENT.

EXT.P5: PHOTOCOPY OF THE ACKNOWLEDGEMENT CARD ISSUED BY THE 2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, Ag. C.J &
A.M. SHAFFIQUE, J.**

W.P.(C). No.6228 of 2015

Dated this the 27th day of February 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court seeking the following reliefs :-

- “(i) Issue appropriate writ, order or direction commanding the respondents to provide sufficient and effective police protection in future for the smooth conduct of the petitioner company Manjilas Food Tech Pvt. Ltd., Kottekkad, Kuttoor P.O., Thrissur when Harthals are called by any organization.
- (ii) Direct the respondents 1 & 2 to take appropriate action against the police officials who are responsible for not providing police protection to the petitioner and also against the followers of the 7th respondent who caused law order situation inside the petitioner company and causing loss to the company in the Harthal held on 27.1.2015.
- (iii) Direct the state to pay damages caused to the petitioner on 27.1.2015 as a result of Harthal, due to the inaction of the state/police to provide police protection to the petitioner company.”

2. As far as relief Nos.2 and 3 are concerned, there is no reason for this Court to exercise jurisdiction. It shall be open for the petitioner to approach appropriate court for redressal of such grievances. As far as the first prayer is concerned, the complaint of the petitioner is that on 27.1.2015, on the Harthal day, though

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the petitioner requested for police protection, no such protection was granted. The petitioner apprehends that further obstruction may be caused in the functioning of the factory of the petitioner and therefore, he seeks for police protection.

3. The learned Government Pleader on instructions would submit that even on 27.1.2015, on receiving the information appropriate measures had been taken by the police and the petitioner was able to function his factory.

4. Learned counsel for the petitioner would however submit that protection was granted only after the incident had happened.

5. Whatever that might be, if the petitioner has any grievance regarding the inaction on the part of the police, it is always open for the petitioner to seek appropriate measures as prayed in relief Nos.2 and 3 before the appropriate forum. As far as the first prayer made in the writ petition is concerned, the petitioner only requires protection during the future Harthals. In fact forceful Harthals have been declared to be illegal by this Court in various judgments. Therefore, it is the duty of the police to ensure sufficient protection to the public at large or any person, who seeks for protection. We only observe that in the event of any

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obstruction being caused in the petitioner's establishment during Harthals, the police shall ensure maintenance of law and order.

With this observation, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

Jvt