

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

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 6581 of 2015 (W)

PETITIONER:

**CHERIAN GEORGE, AGED 80 YEARS
S/O.CHERIAN, RESIDING AT KAVILA VEEDU, PACHA MURI
CHEKKIDIKKADU PO, EDATHUA VILLAGE, KUTTANADU TALUK
ALAPPUZHA DISTRICT.**

BY ADV. SRI.P.P.NARAYANAN

RESPONDENTS:

- 1. SUB INSPECTOR OF POLICE,
EDATHUA POLICE STATION, EDATHUA, KUTTANADU TALUK
ALAPPUZHA DISTRICT. 688 001**
- 2. CIRCLE INSPECTOR OF POLICE,
OFFICE OF THE CIRCLE INSPECTOR
NEAR KORATTI MAHADEVA TEMPLE, MANNAR
ALAPPUZHA DISTRICT. 688 001**
- 3. D.LAKSHMANAN,
DISTRICT SECRETARY
KERALA STATE KARSHAKA THOZHILALI UNION
DISTRICT COMMITTEE, CHETHUTHOZHILALI UNION OFFICE
V.C.N.B.ROAD, ALAPPUZHA. 688 001**
- 4. R.NASAR,
DISTRICT SECRETARY, CITU
ALAPPUZHA DISTRICT COMMITTEE OFFICE
NEAR YMCA ALAPPUZHA. 688 001**
- 5. BABU GEORGE,
DISTRICT PRESIDENT, INTUC, DISTRICT COMMITTEE OFFICE
CCNB ROAD, NEAR MARKET, ALAPPUZHA. 688 001**
- 6. B.RAJASEKHARAN,
DISTRICT PRESIDENT, BMS DISTRICT COMMITTEE OFFICE
THONDANKULANGARA, ALAPPUZHA. 688 001**

R1 & R2 BY SENIOR GOVERNMENT PLEADER SRI.C.R. SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 :** TRUE COPY OF THE CERTIFICATE ISSUED BY THE AGRICULTURAL OFFICE, KRISHIBHAVAN, EDATHUA DATED 25-02-2015.
- EXT P2:** TRUE COPY OF THE PROCEEDINGS AND THE DECISIONS OF IRC DATED 15-10-2014 AND ITS TRUE ENGLISH TRANSLATION.
- EXT P3 :** TRUE COPY OF THE PETITION FILED BEFORE THE 1ST RESPONDENT DATED 21-02-2015 AND ITS TRUE ENGLISH TRANSLATION.
- EXT P4 :** TRUE COPY OF THE RECEIPT ISSUED BY THE 1ST RESPONDENT FOR THE PETITION FILED BY THE PETITIONER DATED 21-02-2015 AND ITS TRUE ENGLISH TRANSLATION.

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

JJJ

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

W.P.(C) No.6581 of 2015

Dated this the 23rd day of March 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court seeking police protection. It is inter alia contended that he is having paddy cultivation in 25 Acres of paddy land belonging to him, his wife and children. It is submitted that in Kuttanadu agricultural area, the paddy is procured by the Kerala State Civil Supplies Corporation (SUPPLYCO) through various rice mills, with which the SUPPLYCO entered into contracts. The wages of the workers involved in the agricultural operations like filling of paddy in gunny bags, stitching, weighing and loading it into the lorry are borne by the cultivator. On account of various wage rates prevailing in the area, the cultivators as well as the workers had entered into an arrangement in a joint meeting convened by the Kuttanadu Agricultural Regional Industrial Relation Committee (IRC) in the presence of Additional Labour Commissioner and rates had been fixed. It is submitted that contrary to the rates which had been fixed by the IRC, demand was being made by the

-: 2 :-

union people under the leadership of respondents 3 to 6 for higher rates which the petitioner is not willing to pay. Though the petitioner is engaging his own workers to conduct various works that has been carried on in the agricultural field, it is being obstructed by respondents 3 to 6.

2. Though notice was served on respondents 3 to 6, there is no appearance.

3. Learned Government Pleader submits that the dispute between the parties relates to wages that is payable to the workers for the agricultural and related works. The police cannot interfere with such dispute, which has to be settled by appropriate authorities including the IRC members. But the police can only maintain law and order situation there.

4. Having regard to the aforesaid factual situation, it is clear that the police cannot interfere with the manner in which the rates had been fixed or the labour issues which had been projected by respondents 3 to 6. If the petitioner is not willing to engage the workers in the area who demands higher wages, it is open for the petitioner to engage other workers, who are willing to accept wages, which he is able to pay as per the decision of IRC. In such an event, if any law and order situation arises, the police can interfere in the matter.

-: 3 :-

Under such circumstances, the writ petition is disposed of as follows :-

The respondents 1 and 2 are directed to ensure maintenance of law and order in the matter of any dispute that may be created by respondents 3 to 6 in the matter of employment of agricultural workers by the petitioner.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE