

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 MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 7196 of 2015 (Y)

PETITIONER(S):

**VISHNU S.GANGADHARAN, AGED 28 YEARS,
S/O.LATE SUNIL GANGADARAN, PROPRIETOR
THARAVADU TRADERS, THURAVOOR GRAMA PANCHAYATH,
XIX/167 MATHILAKAM, MAUTHORVATTOM P.O.,
CHERTHALA-688 527.**

BY ADV. SRI.BEPIN VIJAYAN

RESPONDENT(S):

- 1. THE SUPERINTEDANT OF POLICE,
ALAPPUZHA DISTRICT-688 001.**
- 2. THE ASSISTANT COMMISSIONER OF POLICE,
CHERTHALA, ALAPPUZHA-688 524.**
- 3. THE CIRCLE INSPECTOR OF POLICE,
MARARIKULAM, CHERTHALA, ALAPPUZHA-688 523.**
- 4. THE SUB INSPECTOR OF POLICE,
MARARIKULAM POLICE STATION, CHERTHALA,
ALAPPUZHA-688 523.**
- 5. THE DISTRICT LABOUR OFFICER,
ALAPPUZHA-688 001.**
- 6. PABDUL RAHIM,
PRESIDENT, SHOPS AND ESTABLISHMENT WORKERS UNION,
KERALA STATE COMMITTEE, 43/2085-ROAD, KALOOR,
KOCHI-682 018**
- 7. A.M. MUSTHAF, A,
SECRETARY, SHOPS AND ESTABLISHMENT WORKERS UNION
KERALA STATE COMMITTEE, 43/2085-ROAD, KALOOR
KOCHI-6820**

msv/

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8. R. RAMESH
408(4/450), MADATHIL HOUSE, MARARIKKULAM SOUTH,
PIN CODE-688 539
9. M.RAJ,
STHANATHU VEEDU, C M C 22, CHERTHALA
PIN-688 524
10. SEBASTIAN T.,
KURUVELIL HOUSE, KOKKOTHAMANGALAM P.O., CHERTHALA,
PIN-688 527
11. KRISHNAKUMAR K.,
PLAPPALISHIRAYIL, MUTTATHIPPARAMBU P.O., CHERTHALA,
ALAPPUZHA-688 527
12. SATHYAN N.,
PALLIKKADU HOUSE, VARANAD P.O., CHERTHALA,
ALAPPUZHA, PIN-688 539.
13. C.E. TOMY,
CHERUPPARAMBATHU, C.M. C2, CHERTHALA,
ALAPPUZHA, PIN-688 524.
14. ARUN B.,
CHERUKARA, KOKKOTHAMANGALAM P.O., CHERTHALA,
ALAPPUZHA, PIN-688 527.
15. SUNIL S.,
KIZHAKKE THACRIL, KOKKOTHAMANGALAM P.O., CHERTHALA
ALAPPUZHA, PIN-688 527.
16. PRADEEP S.,
DEEPA BHAVANAM, KOKKOTHAMANGALAM P.O., CHERTHALA,
ALAPPUZHA, PIN-688 527
17. RAJEEV KUMAR,
EKKATTUVELI HOUSE, KURUPPAN KULANGARA P.O., CHERTHALA,
ALAPPUZHA, PIN-688 539.

R1 TO R5 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

P1:- A TRUE COPY OF REDISTRIBUTION STOCK LIST AGREEMENT DTD 25/6/2012 EXECUTED BETWEEN HINDUSTHAN UNILEVER LTD,NAD THE PETITIONER.

P2:- A TRUE COPY OF THE LABOUR RAGISTRATION CERTIFICATE BEARING NO TP 779 DTD 19/12/2012 ISSUED FROM THE OFFICE OF THE ASSISTANT LABOUR OFFICER, CHERTHALA SOUTH.

P2(A):- A TRUE COPY OF THE ENGLISH TRANSLATION OF REGISTRATION CERTIFICATE BEARING NO TP 779 DTD 19/12/2012.

P3:- A TRUE COPY OF THE LICENSE DTD 6/7/2012 ISSUED BY THE FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA.

P4:- A TRUE COPY OF THE DEMAND NOTICE DTD 18/2/2015 BY THE 6TH RESPONDENT.

P4(A):-A TRUE COPY OF THE ENGLISH TRANSLATION OF DEMAND NOTICE.

P5:- A TRUE COPY OF THE REPRESENTATION DTD 20/2/2015 SUBMITTED BY THE PETITIONER BEFORE THE 5TH RESPONDENT.

P5(A):-A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P5.

P6:- A TRUE COPY OF THE REPRESENTATION DTD 21/2/2015 SUBMITTED BY THE PETITIONER BEFORE THE 5TH RESPONDENT.

P6(A):-A TRUE COPY OF ENGLISH TRANSLATION OF EXT P6.

P7:- A TRUE COPY OF THE COMPLAINT DTD 17/2/2015 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.

P7(A):-A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P7.

P8:- A TRUE COPY OF THE RECEIPT DTD 17/2/2015 ISSUED TO THE PETITIONER FROM THE OFFICE OF THE 4TH RESPONDENT.

P8(A):-A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P8 RECEIPT.

P9:- A TRUE COPY OF THE COMPLAINT DTD 18/2/2015 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.

P9(A):-A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P9 COMPLAINT.

P10: A TRUE COPY OF THE RECEIPT DTD 18/2/2015 ISSUED TO THE PETITIONER FROM THE OFFICE OF THE 4TH RESPONDENT.

P10(A):-A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P10 RECEIPT.

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P11:- A TRUE COPY OF THE COMPLAINT DTD 21/2/2015 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.

P11(A):-A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P11 COMPLAINT.

P12:- TRUE COPY OF THE PETITION DTD 27/2/2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

P12(A):-A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P12 PETITION.

P13: A TRUE COPY OF THE PETITION DTD 27/2/2015 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

P13(A):-A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P13 PETITION.

P14:- A TRUE COPY OF THE RECEIPT DTD 27/2/2014 ISSUED TO THE PETITIONER FROM THE OFFICE OF THE 3RD RESPONDENT.

P14(A):-A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P14 RECEIPT.

P15:- A TRUE COPY OF THE PETITION DTD 27/2/2015 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.

P15(A):-A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P15 PETITION.

P16:- A TRUE COPY OF RECEIPT DTD 27/2/2014 ISSUED TO THE PETITIONER FROM THE OFFICE OF THE 4TH RESPONDENT.

P16(A):-A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P16 RECEIPT.

P17:- A TRUE COPY OF THE REPRESENTATION DTD 27/2/2015 SUBMITTED BY THE PETITIONER BEFORE THE 5TH RESPONDENT.

P17(A):-A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P17

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

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

W.P.C.No.7196 of 2015

Dated this the 19th day of March 2015

J U D G M E N T

Shaffique,J

Petitioner has approached this Court seeking police protection to him as well as his employees and workmen and also for the goods and materials stored at the business premises as well as to take goods to and fro from the said premises.

2. It is inter alia contended that respondents 8 to 17 who were employees of the petitioner, under the leadership of respondents 6 and 7, are obstructing the functioning of the business activities of the petitioner. They have raised certain disputes which are pending consideration. But, in the meantime, they are obstructing the business activity of the petitioner. Petitioner claims that he is a distributor of the products manufactured by another company. According

to the petitioner, large amounts are to be collected from the market and the petitioner is unable to effect supplies through their willing workmen.

3. Though notice was ordered to private respondents, there is no appearance on their behalf.

4. The learned Government Pleader submits that if there is any law and order situation in the matter relating to the business activity being carried out by the petitioner in his business premises, police shall take necessary steps to maintain law and order.

5. Having regard to the aforesaid submission, we are of the view that private respondents can neither obstruct the petitioner from carrying on the business activities nor can obstruct the ingress and egress of his men, material and vehicles to and from his business premises.

6. Under such circumstances, there will be a direction to respondents 3 and 4 to ensure maintenance of law and order in the matter relating to business being

carried out by the petitioner in the business premises mentioned in the cause title and shall ensure the ingress and egress of men, material and vehicles.

With these observations, this writ petition is disposed of.

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

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

jsr

