IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 8519 of 2015 (L)

PETITIONER:

NISHAD MON.N, AGED 29 YEARS
S/O NIZAMUDDIN, RESIDING AT NISHAD MANZIL
ANGAMOOZHY P.O, SEETHATHODE VILLAGE, KONNI TALUK
PATHANAMTHITTA DISTRICT PIN 689667

BY ADVS.SRI.V.SETHUNATH
SRI.V.R.MANORANJAN (MUVATTUPUZHA)

RESPONDENTS:
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1. **THE DEPUTY SUPERINTENDENT OF POLICE,**
   PUNALUR, KOLLAM DISTRICT PIN 691305

2. **THE CIRCLE INSPECTOR OF POLICE,**
   ANCHAL, KOLLAM DISTRICT 691306

3. **THE SUB INSPECTOR OF POLICE,**
   EROOR, KOLLAM DISTRICT PIN 691312

4. **LOADING WORKERS UNION (C.I.T.U),**
   VILAKKUPARA, EROOR, ANCHAL
   REPRESENTED BY ITS SECRETARY ISMAIL PIN 691312

5. **LOADING WORKERS UNION (AITUC),**
   VILAKKUPARA, EROOR, ANCHAL
   REPRESENTED BY ITS SECRETARY RAJENDRAN, PIN 691312

6. **LOADING WORKERS UNION (INTUC)**
   VILAKKUPARA, EROOR, ANCHAL
   REPRESENTED BY ITS SECRETARY JOY PIN 691312

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7. LOADING WORKERS UNION (INTUC),
VILAKKUPARA, EROOR, ANCHAL
REPRESENTED BY ITS PRESIDENT, BASHEER PIN 691312

8. THE HINDUSTHAN NEWS PRINT LTD,
REPRESENTED BY ITS SENIOR MANAGER (FDP- OPERATIONS)
NEWS PRINT NAGAR, VELLOOR
KOTTAAM DISTRICT PIN 686 616

9. THE DIVISIONAL FOREST OFFICER,
OFFICE OF THE DIVISIONAL FOREST OFFICER
PUNALUR FOREST DIVISION, PUNALUR P.O, 691305

10. THE RANGE OFFICER,
FOREST RANGE OFFICE, ANCHAL P.O
KOLLAM DISTRICT 691306

R1-R3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN
R4-R7 BY ADV. SRI.R.KRISHNAKUMAR (CHERTHALA)
R8 BY ADVS. SRI.E.K.MADHAVAN
SRI.V.KRISHNA MENON
SMT.P.VIJAYAMMA
SMT.J.SURYA
R9 & 10 BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 8519 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1	**THE TRUE COPY OF THE DELIVERY ORDER ISSUED BY THE 8TH RESPONDENT, HINDUSTHAN NEWS PRINT LTD**
EXHIBIT P2	**TRUE COPY OF THE LICENCE ISSUED BY THE 9TH RESPONDENT D.F.O**
EXHIBIT P3	**TRUE COPY OF THE TRANSPORTING PASS ISSUED BY THE 10 RESPONDENT**
EXHIBIT P4	**TRUE COPY OF THE AGREEMENT ENTERED BY THE PETITIONER AND THE RESPONDENTS 4 TO 7 ALONG WITH ENGLISH TRANSLATION**
EXHIBITP5	**TRUE COPY OF THE PETITION FILED BEOFRE THE 3RD RESPONDENT ALONG WITH ENGLISH TRANSLATION**

RESPONDENT(S)' EXHIBITS

EXHIBIT R4(A)	**TRUE COPY OF THE NOTICE NO.167/2015 DATED 10.03.2015 ISSUED BY THE ASSISTANT LABOUR OFFICER, PUNALUR WITH ENGLISH TRANSLATION**

/TRUE COPY/

PA TO JUDGE

JJJ

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

W.P. (C) No. 8519 of 2015 (L)

Dated this the 7th day of April, 2015

J U D G M E N T

A.M.Shaffique, J.

The petitioner, claiming to be a contractor of Hindustan News Print Ltd., has approached this Court complaining that he is unable to perform his contract on account of the obstruction being caused by respondents 4 to 7.

2. It is *inter alia* contended that the work relates to the clearing, extraction and transportation of Acacia Auriculiformis billets from Thekkumalakunnu plantation in Anchal Range to Vellor News Print. According to the petitioner, respondents 4 to 7, though they were permitted to do the work, have created substantial problems to the petitioner, as a result of which he is unable to perform his contract within the stipulated time. The petitioner, therefore, filed a complaint before the Assistant Labour Officer, but no action has been taken in that regard. The petitioner, thereafter, approached the Police for necessary

protection to employ his own workers for carrying on with the work and to prevent the obstruction being caused by respondents 4 to 7 and their men.

3. Counter affidavit has been filed by respondents 4 to 7 *inter alia* stating that by virtue of an agreement executed with the petitioner they were continuing with the work and they are ready and willing to carry on with the work. The intention of the petitioner is to employ their own workers by avoiding respondents 4 to 7.

4. The learned Government Pleader, on instructions, would submit that presently there is no law and order situation.

5. The learned counsel for the petitioner, however, would submit that respondents 4 to 7 are demanding huge wages than what has been agreed upon. If at all, they are willing to work as per the terms of the contract, the petitioner is willing to engage them. According to the petitioner, if respondents 4 to 7 creates any further obstruction in the work being carried on, the Police should render necessary protection.

6. Having regard to the aforesaid submission, we are of the view that this Writ Petition can be disposed of as under:

i) If respondents 4 to 7 are agreeable to carry on with the work entrusted by the petitioner as per the terms of the agreement agreed between the parties, the petitioner shall engage them.

ii) If respondents 4 to 7 create any obstruction to the work being done, it shall always be open for the petitioner to engage his own workmen, in which event, the Police shall render necessary assistance to ensure law and order.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M. SHAFFIQUE,
JUDGE.

jjj