

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(C) .No. 9891 of 2015 (J)

PETITIONER(S) :-

K.GOPALAKRISHNAN, AGED 75 YEARS, S/O.KUMARI,
BIJU BHAVAN, PROPRIETOR, TOWN BAKERY,
MALLAPPALLY P.O. & VILLAGE,
PATHANAMTHITTA DISTRICT, PIN - 689 585.

BY ADVS.SRI.N.P.PRAJEESH
SRI.BIJO THOMAS GEORGE

RESPONDENT(S) :-

1. THE SUB INSPECTOR OF POLICE,
KEEZHVAIPUR POLICE STATION, KEEZHVAIPUR P.O.,
PATHANAMTHITTA DISTRICT, PIN - 689 587.
2. THE INSPECTOR OF POLICE, MALLAPPALLY,
PATHANAMTHITTA DISTRICT, PIN - 689 585.
3. THE DISTRICT POLICE CHIEF, PATHANAMTHITTA, PIN - 689 645.
4. MOHAMMED HARIS, AGED ABOUT 30, S/O.K.K.SAID MOHAMMED,
MADHURAPLACKEL HOUSE, VAIPUR P.O.,
MALLAPPALLY, PATHANAMTHITTA DISTRICT, PIN - 689 588.
5. SUJITHKUMAR, AGED ABOUT 35, S/O.MONY,
PUTHUPARAMBIL HOUSE, VAZHOOR P.O., NEDUMAVU,
KOTTAYAM DISTRICT, PIN- 686 504.
6. AMBILI K.L., AGED ABOUT 45, S/O.LAKSHMANAN,
URAPPUZHICKAL HOUSE, KARUKACHAL P.O.,
KOTTAYAM DISTRICT, PIN - 686 540.
7. STATE OF KERALA REP. BY SECRETARY (HOME) ,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
8. THE DISTRICT LABOUR OFFICER, PATHANAMTHITTA, PIN - 689 645.

R1, R2, R3, R7 & R8 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

APPENDIX

Petitioner's Exhibits :-

Ext.P1 :- Photocopy of the Licence issued under Food Safety & Standards Act dated 1.1.2013.

Ext.P2 :- Photocopy of the Licence issued under Panchayath Raj Act dated 12.5.2014 and its translation.

Ext.P3 :- Photocopy of the sanitation Certificate dated 3.3.2015 of the Bakery.

Ext.P4 :- Photocopy of the petition dated 20.3.2015 submitted by the petitioner, Before respondents 1 to 3.

Respondent's Exhibits :- NIL.

//True Copy//

P.A. to Judge

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

W.P.(C) No.9891 of 2015

Dated this the 27th day of March 2015

J U D G M E N T

Shaffique, J.

The writ petition is filed by the petitioner seeking police protection inter alia contending that respondents 4 to 6, who were working in his establishment, which is a bakery, for some time has certain dispute in relation to employment. The petitioner does not require to employ them presently and therefore, respondents 4 to 6 are obstructing functioning of the bakery as well as the borma situated in a separate building away from the bakery. According to the petitioner, he is ready and willing to pay compensation to respondents 4 to 6 as fixed by the Labour Court or other competent authority. A conciliation talk held by the District Labour Officer has failed because of the adamant stand taken by respondents 4 to 6. It is submitted that now respondents 4 to 6 are making preparation for obstructing the functioning of the bakery by conducting agitation by blocking the entry to the bakery and also making preparations for attacking the petitioner, his workers, family members etc.

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2. Learned State Attorney on instructions would submit that on receipt of the complaint from the petitioner, respondents 4 to 6 were called and they were asked not to create any physical obstruction to the functioning of the bakery and they should abide by the orders passed by the labour authorities.

3. Having regard to the aforesaid view of the matter, we do not think it necessary to issue notice to respondents 4 to 6.

4. If there is any illegal obstruction being caused by respondents 4 to 6 in the matter relating to the petitioner conducting his business in his bakery/borma, the police shall ensure that no such obstruction is created by them.

With the above observation, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE