

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 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 13062 of 2015 (G)

PETITIONER(S) :-

SREE NARAYANA VIDYAPEETAM EDUCATIONAL TRUST,
KANNARA P.O, THRISSUR, REPRESENTED BY ITS SECRETARY
RADHAKRISHNAN C., AGED 55 YEARS, S/O. KURUPPAKUTTY,
27/581-1, PEROTH HOUSE, CO-OPERATIVE ROAD,
CHEMBUKAVU, THRISSUR.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENT(S) :-

1. THE CITY COMMISSIONER OF POLICE, THRISSUR - 680 001.
 2. THE CIRCLE INSPECTOR OF POLICE,
OLLUR, THRISSUR - 680 306.
 3. THE SUB INSPECTOR OF POLICE,
PATTIKADU, THRISSUR - 680 652.
 4. HEADLOAD WORKERS UNION (INTUC),
VAZHAKKUMPARA, VARIYATHKADU, THRISSUR - 680 652
REPRESENTED BY THE UNION LEADER JOY THACHANAL.
 5. HEADLOAD WORKERS UNION (CITU)
VAZHAKKUMPARA, VARIYATHKADU, THRISSUR - 680 652
REPRESENTED BY THE UNION LEADER JOHNY VATTEKUNNIL.
- Addl.6. HEADLOAD WORKERS' WELFARE FUND BOARD
S.R.M ROAD, ERNAKULAM, COCHIN - 18
REPRESENTED BY ITS CHAIRMAN.

ADDL.R6 IS SUO MOTU IMPEADED AS PER ORDER DATED 24.04.2015.

ADDL.R6 BY ADV. SRI.C.S. AJITH PRAKASH, SC, KHWB
R4 & R5 BY ADV. SRI.V.P.PRASAD
SRI.K.R.RAJKUMAR
R1 TO R3 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHIBIT-P1-TRUE COPY OF THE BUILDING PERMIT NO.994/13-14 DATED 27/03/2014 ISSUED BY THE PANANCHERY GRAMA PANCHAYATH.

EXHIBIT-P2-TRUE COPY OF THE BUILDING PLAN.

EXHIBIT-P3-TRUE COPY OF THE AFFIDAVIT DATED 13/04/2015.

EXHIBIT-P4-TRUE COPY OF THE PETITION DATED 18/04/2015 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

EXHIBIT-P5-TRUE COPY OF THE PETITION DATED 22/04/2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENT(S) ' EXHIBITS :-

EXHIBIT-R4(a) : TRUE COPY OF WAGE SCHEDULE DT.24/01/2014 OF THE DLO, THRISSUR.

EXHIBIT-R4(b) : TRUE COPY OF THE COMPLAINT DATED 4/5/2015.

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.13062 of 2015

Dated this the 26th day of May 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard the learned counsel for the petitioner, the learned counsel appearing for respondent Nos.4 and 5 and the learned Standing Counsel appearing for additional 6th respondent.

2. By this writ petition, the petitioner has prayed for a mandamus commanding respondents 1 to 3 to give sufficient police protection to the petitioner and the workers employed by him for carrying out unloading of materials brought for the purpose of college building construction and also for other works in connection with the running of the college.

3. Petitioner's case in the writ petition is that the area is not a scheme covered area. The learned counsel appearing for the respondents also does not dispute the said submission. Learned counsel for the petitioner submits that respondents 4 and 5 are creating obstruction in carrying out construction work. It is submitted that this Court has already passed an interim order on 12.5.2015 directing the respondents 2 and 3 to afford adequate

-: 2 :-

police protection for doing the loading and unloading works at the petitioner's site, by engaging workers of their own choice.

4. Learned counsel appearing for respondents 4 and 5 would submit that with regard to wages, a complaint has already been submitted before the District Labour Officer, a copy of which is produced as Ext.R4(b), which is pending consideration.

5. Be that as it may, the respondents are free to agitate their claim, if any, before the District Labour Officer. Till a final decision is taken in the complaint, the petitioner is free to get their work being done by engaging their own workers.

In the above view of the matter, this writ petition is disposed of directing respondents 2 and 3 to afford adequate protection in the matter relating to carrying out unloading of materials brought for the purpose of college building construction by engaging petitioner's own workers.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE