

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 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

WP(C).No. 15340 of 2015 (N)

PETITIONER(S):

**BINOJ V. PATHIKKAL AGED 41 YEARS
S/O.VARGHESE, PATHIKKAL VEEDU, AIMURI.P.O.
PERUMBAVOOR-683 544.**

**BY ADVS.SRI.ALEXANDER JOSEPH
SRI.M.V.SABU
SRI.A.J.RAJU**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF HOME AFFAIRS, STATE SECRETARIAT
THIRUVANANTHAPURAM-695 001.**
- 2. THE SUPERINTENDENT OF POLICE
ERNAKULAM RURAL, ALUVA-683 101.**
- 3. THE SUB INSPECTOR OF POLICE
KURUPPAMPADY POLICE STATION, KURUPPAMPADY.P.O.
PREUMBAVOOR, ERNAKULAM DISTRICT. 683 542.**
- 4. THE DISTRICT LABOUR OFFICER
KAKKANAD, ERNAKULAM.682 030.**
- 5. THE DEPUTY COMMISSIONER OF EXCISE
ERNAKULAM. 682 018.**
- 6. THE SECRETARY
KALLU CHETHU VYAVASAYA THOZHILALI UNION, CITU
PERUMBAVOOR. 683 542.**
- 7. SRI.P.S.SUBRAMANIAN
PARAMBI HOUSE, KOMBANAD.P.O., VENGOOR
PERUMBAVOOR. 683 542.**
- 8. SMT.LATHA GOPI
W/O.LATE T.A.GOPI, THOMBRAKUDY HOUSE, CRARIYELI P.O.
PERUMBAVOOR. 683 542.**

BY SR GOVERNMENT PLEADER SRI.C.R.SYAM KUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 15340 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

P1- TRUE COPY OF THE TODDY TRANSPORT PERMIT DATED 30.03.2015 ISSUED BY THE ASSISTANT EXCISE COMMISSIONER, PALAKKAD.

P2- TRUE COPY OF THE INFORMATION DATED 18.05.2015 ISSUED BY THE PUBLIC INFORMATION OFFICER, EXCISE DIVISION OFFICE, ERNAKULAM.

P2(A)- ENGLISH TRANSLATION OF EXT.P2.

P3- TRUE COPY OF THE PETITION DATED 17.04.2015.

P3(A)- TRUE COPY OF THE NOTICE DATED 02.05.2015 OF THE 4TH RESPONDENT.

P4(A)- ENGLISH TRANSLATION OF EXT.P4.

P5- TRUE COPY OF THE COMPLAINT DATED 21.05.2015.

RESPONDENT(S)' EXHIBITS NIL

Rp

//True Copy//

PA to Judge

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

=====

W.P (C) No. 15340 of 2015

=====

Dated this, the 29th day of May, 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard the learned counsel for the petitioner and the learned Government Pleader. No notice is being issued to respondents 6 to 8 in view of the order which is being passed.

2. Petitioner, who has been granted licence for running toddy Shop Nos. TS 11, 12, 19, 21, 23 and 24 in Group No.5 of Perumbavoor Excise Range has come up in the writ petition seeking police protection against respondents 6, 7 and 8 for the smooth functioning of the toddy shops. Petitioner's case is that respondents are claiming employment for the 8th respondent, who claims to be working in the toddy shop as a cook. Petitioner denies any such employment. It is submitted by the learned Government Pleader that at the instance of respondents 6 and 7, dispute regarding employment of the 8th respondent has been referred to Labour Officer. Learned Government Pleader submits

that after coming to know about the dispute, the parties have been advised to approach the District Labour Officer regarding the dispute of employment of the 8th respondent. Learned Government Pleader further submits that police will take steps for maintaining the law and order situation in the toddy shops. We are of the view of that in so far as the claim of the 8th respondent is concerned, that is to be examined by the Labour Officer and appropriate action will be taken. The 3rd respondent shall ensure that there is no law and order situation and no obstruction is created regarding running of the toddy shops.

Writ petition is disposed of as above.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PA to Judge