

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

WP(C).No. 15690 of 2015 (I)

PETITIONER :

ARUN THADATHIL, AGED 44 YEARS,
S/O.ANIRUDHAN, RESIDING AT THADATHIL HOUSE,
MELOODU P.O., PERINGANADU VILLAGE,
ADOOR TALUK, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.MANU RAMACHANDRAN

RESPONDENTS :

1. CIRCLE INSPECTOR OF POLICE, ADOOR,
PATHANAMTHITTA - 691 523.
2. SUB INSPECTOR OF POLICE,
ADOOR POLICE STATION,
PATHANAMTHITTA - 691 523.
3. SUPERINTENDENT OF POLICE,
PATHANAMTHITTA DISTRICT - 689 645.
4. THE SNDP YOGAM, ADOOR TALUK UNION,
HAVING REGISTERED OFFICE AT
T.K. MADHAVA SOUNDAM, ADOOR,
REPRESENTED BY ITS CONVENER,
UNION ADMINISTRATIVE COMMITTEE - 691 523.
5. P.S. VIJAYAN, AGED ABOUT 60 YEARS,
RESIDING AT "NAVEENAM", NADACKKAL,
KUNNATHANAM VILLAGE, PATHANAMTHITTA DISTRICT - 691 520.
6. M. MANOJKUMAR, AGED 41 YEARS,
S/O.MURALEEDHARAN, RESIDING AT UTHIVILAYIL HOUSE,
AICKADU, KODUMON P.O., ADOOR TALUK,
PATHANAMTHITTA DISTRICT - 691 520.

WP(C).No. 15690 of 2015 (I)

7. ABIN AMBADIYIL, S/O.SADANANDAN,
RESIDING AT AMBADIYIL, PANNIVIZHA, ADOOR TALUK,
PATHANAMTHITTA DISTRICT - 691 520.

R1 TO R3 BY SR. GOVERNMENT PLEADER, SRI.C.R. SYAMKUMAR
R BY SRI.A.N.RAJAN BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF MEMO OF CHARGES AGAINST N.SATHEESHKUMAR BY
THE SNDP ADOOR UNION DATED 30.01.2013.

EXT.P2 : TRUE COPY OF THE ORDER SUSPENDING MR. SATHEESH KUMAR BEARING
NO.AU/US/1/13 DATED 11.02.2013.

EXT.P3 : TRUE COPY OF THE INTERIM REPORT FILED BY THE COMMISSIONER
I.A.NO.912/2013 IN O.P. ARBITRATION 97/2013 OF THE
PATHANAMTHITTA DISTRICT.

EXT.P4 : TRUE COPY OF THE AUDIT REPORT DATED 23.10.2014.

EXT.P5 : PHOTOCOPY OF THE COMPLAINT DATED 24.05.2015 PREFERRED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P6 : TRUE COPY OF THE COMPLAINT DATED 25.05.2015 ISSUED TO 3RD
RESPONDENT BY THE PETITIONER.

EXT.P7 : TRUE COPY OF THE CIRCULAR NO.AU/UC/81 DATED 25.05.2015 ISSUED
BY THE 4TH RESPONDENT.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 15690 and 15691 OF 2015

Dated this the 27th day of May, 2015

JUDGMENT

Shaffique, J.

Petitioners were ex-office bearers of an organisation, namely SNDP Adoor Unit. On account of certain allegations against the petitioner, the present office bearers are intending to take some action against the petitioners. Petitioners submit that O.P. Arbitration No.97/13 is pending before the District Court, Pathanamthitta in which an Advocate Commissioner has been appointed to verify and to take the documents kept in the office. It is alleged that the employees of 4th respondent has obstructed the Commissioner and did not provide the documents. Further it is stated that the Arbitration case is pending before this Court as A.R. 54 of 2013 for appointment of arbitrator. In the mean time publications have been made by the members of the SNDP Union to conduct procession, dharna and picketing in front of the petitioner's residence as well as business premises. On account of the fear

of being obstructed by such dharna and demonstration, petitioner preferred complaint before the Police. It is apprehended by petitioners that the dharna may commence from 26.05.2015. The Police has not taken any action so far and therefore, petitioners have approached this Court seeking police protection.

2. The averments in the writ petition clearly disclose that the SNDP Union is intending to conduct some dharna or strike near the residence and office premises of the petitioner. The conduct of dharna or agitation by itself may not amount to any criminal act. Police can interfere only when an offence is committed or there is any attempt to commit offence. Further, if any unlawful act is committed, then also police can interfere and maintain law and order.

3. Having regard to the fact that petitioners are expressing only an apprehension regarding unlawful obstruction, we are not issuing notice to private respondents. We only observe that if any obstruction is caused in the matter relating to the conduct of dharna or agitation in front of the residence or business premises of the petitioners and if there is any law and

WP(C) No. 15690 & 15691 of 2015

-:3:-

order situation, the Police, on the complaint of the petitioners, shall look into the same and do the needful.

With the above observation, the Writ Petitions are closed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**

ttb/27/05