

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 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

WP(C).No. 16751 of 2015 (T)

PETITIONER(S) :-

1. MUHAMMADALI, AGED 49 YEARS
S/O.ABDUL HAJI, KINATTINGAL PATTANI HOUSE
PUTHRACKOVU, POROOR PO, MALAPPURAM DISTRICT
2. U.C.NARAYANAN, AGED 51 YEARS,
S/O.KRISHNAN NAMBOOTHIRI
UPPILAPPATTA CHENNALLERIMANA, VANIYAMBALAM DESOM
NILAMBUR TALUK, MALAPPURAM DISTRICT

BY ADVS.SRI.N.M.MADHU
SMT.C.S.RAJANI

RESPONDENT(S) :-

1. THE SUPERINTENDENT OF POLICE
MALAPPURAM DISTRICT, MALAPPURAM 676505
2. THE SUB INSPECTOR OF POLICE
WANDOOR POLICE STATION, MALAPPURAM DISTRICT 679328
3. THOPPIL RIYAS, S/O.KUNJU, MALAKKAL, KOTTAKUNNU
POROOR 679339
4. BIJU NJAREKKADAN,
S/O.NEELI, MACHIAD 4 CENT COLONY, POROOR 679339
5. MOOSA POTTAYIL
S/O.AHAMMED KUTTY, AYAMKODE, POROOR 679339

R3-R5 BY ADV. SRI.P.SAMSUDIN
SRI.K.C.ANTONY MATHEW
SRI.JITHIN LUKOSE
R1 & R2 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 16751 of 2015 (T)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1:TRUE COPY OF THE IDENTITY CARD ISSUED BY THE KERALA STATE COMMITTEE OF THE TIMBER MERCHANT'S ASSOCIATION TO THE 1ST PETITIONER.

EXT.P2:TRUE COPY OF THE AGREEMENT DATED 21.05.2015.

EXT.P2(a):TRUE ENGLISH TRANSLATION OF EXT P2

EXT.P3:TRUE COPY OF THE PETITION DATED 25.05.2015 SUBMITTED BY THE FIRST PETITIONER BEFORE THE SECOND RESPONDENT.

EXT.P3(a):TRUE ENGLISH TRANSLATION OF EXT P3.

EXT.P4:TRUE COPY OF THE PETITION DATED 27.05.2015 SUBMITTED BY THE FIRST PETITIONER BEFORE THE FIRST RESPONDENT.

EXT.P4(a):TRUE ENGLISH TRANSLATION OF EXT P4.

EXT.P5: TRUE COPY OF THE PETITION DATED 17.6.2015 SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT.

EXT.P5(a): TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P5.

EXT.P6: TRUE COPY OF THE PETITION DATED 17.6.2015 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

EXT.P6(a): TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P6.

RESPONDENT(S) ' EXHIBITS :-

EXT.R3(a) :- TRUE COPY OF THE IDENTITY CARDS ISSUED BY THE TIMBER WORKERS LABOUR CONGRESS (INTUC), PORUR PANCHAYATH COMMITTEE.

//TRUE COPY/

P.A. TO JUDGE

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

W.P.(C) No.16751 of 2015

Dated this the 30th day of June 2015

J U D G M E N T

Shaffique, J.

The petitioners have approached this Court seeking police protection. It is submitted that the first petitioner had entered into an agreement with the second petitioner and his brothers for cutting and removing rubber trees standing in their property. The property is situated in Re-survey Nos.288/1, 3, 4, 5 and 6 of Poroor Village and there are 2300 rubber trees to be cut and removed. It is submitted that when the petitioners started cutting and removing the timber with their own workmen, the same was obstructed by respondents 3 to 5. Though complaint was given to the police for necessary protection, no action has been taken in the matter and therefore, the petitioners have approached this Court.

2. Learned counsel for the petitioners submits that they have their own skilled workmen and cutter machines for the aforesaid purpose and necessary transportation had been arranged for transporting the timber. If there is any such obstruction, the petitioners will not be in a position to cut and remove the trees as per the agreement.

-: 2 :-

3. Respondents 3 to 5 have filed counter affidavit inter alia stating that they are wood cutters in the locality and there is no reason as to why they should not be employed in the said work. They also submitted that they are willing to carry on the said work.

4. Having regard to the aforesaid factual situation, it is clear that the petitioners are entitled to carry on the work of cutting and removing of trees through their own skilled workmen and using machineries, if necessary. The respondents who are wood cutters have no right to interfere in the same or obstruct the petitioners from carrying on the said activities. If there is any such obstruction, the police is bound to ensure maintenance of law and order.

In the result, this writ petition is allowed directing the 2nd respondent to afford adequate protection to the petitioners for cutting and removing of rubber trees from the property covered by Ext.P2 agreement and to maintain necessary law and order.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE