

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

WP(C).No. 17672 of 2015 (H)

PETITIONER:

RAJAN ABRAHAM AGED 56 YEARS
S/O.ABRAHAM, KIZHAKKEDATHU HOUSE, VELLAYAMKUDI PO
KATTAPANA TALUK, IDUKKI DISTRICT.

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS:

1. THE SUB INSPECTOR OF POLICE
KATTAPPANA, KATTAPPANA POLICE STATION, KATTAPPANA
IDUKKI DISTRICT 685 508.
2. A.L.BABU, SECRETARY, CITU, ANJILIMOOTTIL HOUSE, AYYAPPANKOVIL PO
MATTUKKATTA IDUKKI DISTRICT 685 507.
3. M.T.JOSEPH, MELEMURI HOUSE, VELLAYAMUDI.P.O
KATTAPANA, IDUKKI DISTRICT - 685 515.
4. SHAJI V.A.
STAFF WORKING IN TS NO.12- VALLAKKADAVU
KATTAPPANA RANGE, KATTAPPANA, IDUKKI DISTRICT 688 508.

BY ADV. STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 17672 of 2015 (H)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1- THE RELEVANT EXTRACT OF THE COPY OF THE LICENSE NO.214/14-17 ISSUED TO THE PETITIONER BY THE DEPUTY EXCISE COMMISSIONER, IDUKKI FOR THE TODDY SHOP NO.12 (ALONG WITH THE TRANSLATED COPY OF THE SAME)

P2- THE COPY OF THE RELEVANT EXTRACT OF THE PRE-ASSESSMENT NOTICE DATED 12.6.2014 PASSED BY HTE WELFARE FUND INSPECTOR, THODUPUHZA (ALONG WITH THE TRANSLATED COPY OF THE SAME)

P3- THE COPY OF THE INTIMATION DATED 30.5.15 ISSUED BY THE 2ND RESPONDENT -SECRETARY, C.I.T.U TO THE PETITIONER (ALONG WITH THE TRANSLATED COPY)

P4- THE COPY OF THE PETITION DATED 9.6.15 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT (ALONG WITH THE TRANSLATED COY)

P4(A)- THE COPY OF THE ACKNOWLEDGEMENT OF THE RECEIPT OF THE PETITION DATED 9.6.15 ISSUED FORM THE POLICE STATION-KATTAPPAN

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY // PA TO JUDGE

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

*** * * * ***

W.P.C.No.17672 of 2015

Dated this the 25th day of June 2015

J U D G M E N T

Shaffique, J

This writ petition is filed seeking police protection. It is inter alia alleged that the petitioner is the licensee of toddy shop No.12 of Vallakkadavu in Group No.1 of Kattappana Excise Range under Idukki Excise Division. One Mathew was the salesman of the toddy shop and he went on leave. According to the petitioner, he is entitled to engage any other person of his choice. In the meantime, on the recommendation of certain CITU leaders, 4th respondent, who is the registered salesman of another toddy shop was deputed to the present shop. It is further stated that on 30/05/2015, 2nd respondent issued a notice to the petitioner intimating that the Union had appointed one Joseph.M.T, who is the 3rd respondent, as the salesman of shop No.12 in the place of Sri.Mathew who is on leave and he will start

duty from 01/06/2015. Petitioner submits that he is not entitled to appoint any person, chosen by the 2nd respondent. Under the guise of the said appointment, private respondents are preventing the petitioner from functioning the toddy shop and he is not permitted to operate the toddy shop on account of the obstruction from respondents 2 to 4.

2. Though notice was ordered to respondents 2 to 4, there is no appearance on their behalf. The learned Government Pleader submits that the issue is with reference to appointment of the 3rd respondent. It is apparent that the 2nd respondent has no right to make appointment with reference to the toddy shop being run by the petitioner. In that process, if there is any law and order situation, police is bound to interfere and make sure that law and order is maintained and no obstruction is being caused to the functioning of the petitioner's toddy shop with his own workers.

3. Under such circumstances, we dispose of the writ petition as under:

There will be a direction to the 1st respondent to provide adequate and effective protection to the petitioner to conduct his toddy shop No.12 of Vallakkadavu in Group No.1 of Kattappana Excise Range under Idukki Excise Division with his own employees without any obstruction from respondents 2 to 4 and their men.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

