

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

WP(C).No. 18180 of 2015 (V)

PETITIONER(S) :

**M/S. DOWINS RESOURCE PVT. LTD.,
'REGITON', TC 44/502, CANAL RD.,
VALIATHURA, VALLKADAVU.P.O, THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR JUDE SAJITH D'CRUZ.**

**BY ADVS.SRI.SUMAN CHAKRAVARTHY
SMT.K.R.RIJA**

RESPONDENT(S) :

- 1. THE COMMISSIONER OF POLICE,
THIRUVANANTHAPURAM CITY - 695 001.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
POONTHURA, THIRUVANANTHAPURAM - 695 001.**
- 3. THE SUB INSPECTOR OF POLICE,
VALIYATHURA.P.S, THIRUVANANTHAPURAM - 695 001.**
- 4. THE CIRCLE INSPECTOR OF POLICE,
PETTAH, THIRUVANANTHAPURAM.**
- 5. THE SUB INSPECTOR OF POLICE,
VANCHIYOOR P.S, THIRUVANANTHAPURAM - 695 035.**
- 6. THE AIRPORT AUTHORITY OF INDIA,
THIRUVANANTHAPURAM INTERNATIONAL AIRPORT,
REPRESENTED BY ITS DIRECTOR, THIRUVANANTHAPURAM - 8.**
- 7. VIJI.S.V, D/O.VIJAYAN,
T.C.37/572, LNRA 45, LEKSHMI NAGAR,
THIRUMALA.P.O., THIRUVANANTHAPURAM - 695 001.**
- 8. SALIM, S/O.IBRAHIM KUNJU MOOPAN,
VALLAKADAVU, THIRUVANANTHAPURAM - 695 008.**

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9. MINI.N., W/O.RAGHAVAN,
KUXHIVILA PUTHEN VEEDU, VELLAYANI.P.O.,
THIRUVANANTHAPURAM - 695 001.
10. PRIYA.P, W/O.PAULOSE,
NN RA 43, LESHMI NAGAR, THIRUMALA.P.O.,
THIRUVANANTHAPURAM - 695 001.
11. TREESA.R, W/O.BASIL, T.C.34/1451,
VALAIATHOPE, THIRUVANANTHAPURAM - 695 001.
12. MARAIA SAJITHA.P.D.,
D/O.PETER ANGELO, T.C.35/1105-2, CHITRA NGAR,
VALLAKADAVU.P.O, THIRUVANANTHAPURAM - 695 001.
13. SMITHA RAJU, D/O.RAJU, PUTHUVEL PURAYIDOM,
THIRUVANANTHAPURAM - 695 008.
14. NISHA.D., W/O.DANI,
T.C.35/1105-2, NISHA HOUSE, VALLAKADAVU.P.O.,
THIRUVANANTHAPURAM.

*** ADDITIONAL R15 TO R17 IMPEADED**

15. ALICE PATRIC, W/O.PATRIC GOMES,
ALICE HOUSE, TC 34/1467, KOCHUTHOPPU,
VALLAKKADAVU P.O., THIRUVANANTHAPURAM.
16. MANIKANTAN, S/O.BADRASENAN,
CHERIATHURA, VALLAKKADAVU P.O.,
THIRUVANANTHAPURAM.
17. ANJU M., W/O.SUJITH C.S.,
SOPANAM, TC 31/149(1), GALAXY RESIDENTS ASSOCIATION,
CHACKA, PETTAH P.O., THIRUVANANTHAPURAM.

*** ADDITIONAL R15 TO R17 ARE IMPEADED AS PER ORDER DATED 03.07.2015
IN I.A.NO.9024 OF 2015.**

**R1 TO R5 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R6 BY ADV. SRI.V.SANTHARAM
R9 BY ADVS. SRI.ASOK M.CHERIAN
SRI.T.R.RENJITH
SRI.R.ROHITH
SRI.K.JANARDHANA SHENOY
R11,R13, ADDL.R15 TO R17 BY ADV. SRI.M.SREEKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 07-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: A TRUE COPY OF THE NOTICE INVITING TENDERS.

EXHIBIT P2: A TRUE COPY OF THE LICENSE DATED 21.05.2015.

EXHIBIT P3: A TRUE COPY OF THE COMPLAINT DATED 14.06.2015.

RESPONDENT(S)' ANNEXURES & EXHIBITS :

**ANNEXURE A: TRUE COPY OF LETTER NO.55/33/2015/RLC/TVM
DATED 15.06.2015 OF REGIONAL LABOUR COMMISSIONER
(CENTRAL), TRIVANDRUM.**

**ANNEXURE B: TRUE COPY OF REPRESENTATION FILED BY UNION
BEFORE THE WRIT PETITIONER DATED 17.06.2015 ALONG
WITH TRANSLATION.**

**ANNEXURE C: TRUE COPY OF REPRESENTATION FILED BY PETITIONERS
& OTHERS BEFORE THE 6TH RESPONDENT IN W.P.(C)
ALONG WITH TRANSLATION.**

**EXHIBIT R11(A): TRUE COPY OF THE REPRESENTATION FILED BY
THE UNION BEFORE THE PETITIONER DATED 17.06.2015
ALONG WITH TRANSLATION.**

**EXHIBIT R11(B): TRUE COPY OF THE REPRESENTATION FILED BEFORE
THE 6TH RESPONDENT ALONG WITH ENGLISH
TRANSLATION.**

//TRUE COPY//

PA.TO JUDGE.

Msd.

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.18180 of 2015

Dated this the 7th day of September 2015

J U D G M E N T

Shaffique, J

Petitioner is a contractor who has obtained right to collect parking fee in the premises of Airport Authority of India, Thiruvananthapuram Airport. It is stated that respondents 7 to 14, claiming to be the workers of erstwhile licensee have caused obstruction to the functioning of the agency of the petitioner. It is stated that the petitioner, being a new contractor, is entitled to engage their own workers for collecting the fee and respondents 7 to 14 or any other person have no right to cause any obstruction nor can they claim any employment in the petitioner company. When obstruction was caused, complaint was given to the police and since no action has been taken in the matter, petitioner has approached this Court.

2. Counter affidavit is filed by Airport Authority of India, 6th respondent, inter alia stating that they have awarded the work of managing the parking area and to collect parking fee to the

petitioner and respondents 7 to 14 have no right to interfere with the functioning of the petitioner's establishment. It is also stated that contract is given for a period of three years and each time contractor will have to make appropriate arrangement to employ their own workmen to carry out the functioning of the establishment.

3. Counter affidavit is filed by respondents 7 to 14 inter alia stating that they have been employed for last several years by various contractors and the present attempt of the petitioner is to deny the said work to respondents 7 to 14.

4. We have already passed an interim order on 17/06/2015 directing the police to ensure maintenance of law and order.

5. Having heard the learned counsel on either side and the learned Government Pleader appearing on behalf of the State and the police authorities, we are of the view that if at all respondents 7 to 14 have any claim to seek employment with the petitioner, they cannot take law into their hands and object the petitioner's right to carry on the obligations under the licence given by the Airport Authority of India. Remedy of respondents 7

to 14 is to approach the competent authority under the Labour laws. If at all any obstruction is caused, it is for the police to ensure maintenance of law and order so that petitioner is able to peacefully carry on the obligations under the licence.

In the result, this writ petition is disposed of as under:

i) Respondents 2 to 5 shall ensure maintenance of law and order in the matter relating to functioning of licence by the petitioner and prevent any obstruction by respondents 7 to 14 or their men.

ii) This is without prejudice to the right of respondents 7 to 14 to approach the labour authorities and seek appropriate directions.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

