

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 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 20333 of 2015 (N)

PETITIONERS :

1. IYYATHUTTY UMMA AGED 43 YEARS
W/O. LATE KUNHAN HAJI, PULLANITHODI POONKUZHI HOUSE
CHITTAYIL, VELLAYUR P.O, PIN 679 327
2. PATHUKUTTY UMMA,
W/O. LATE KAMMU, KADALIKKATTIL THANDIPARAKKAL HOUSE
ACHACHAVIDI P.O, KALIKAVU PIN 676 525
3. PATHUNNI UMMA
W/O. LATE KOYAKUTTY HAJI
PULLANITHODI POONKUZHI HOUSE, AYANICODE
PORUR P.O PIN 339
4. KADEESA, W/O. LATE A.P AHAMMED, ANAPPATH HOUSE,
CHEMBRASSERI EAST P.O, THUVVUR, PIN 679 327
5. AYISHAKUTTY UMMA,
W/O. MOHAMMED @ BAPPUTTY HAJI, KOORIYODE HOUSE
VELLAYOOR P.O, TUVVUR (VIA), PIN 679 327
6. V.P FATHIMA
W/O. KAMMU, CHULLIKULAVAN HOUSE, KURUPOIL
VALLAYOOR P.O, PIN 679 327
7. KHADEEJA V.P
W/O. ABDUL KAREEM
KARALIKKATTIL PUTHAN PEEDIKKKAL HOUSE, ANGAPOIL
VANIYAMBALAM P.O, PIN 679 339
8. V.P ABDUSALAM,
VALIYAPEEDIKAKKAL HOUSE, MOOCHIKKAL, ANCHACHAVIDI P.O.,
KALIKAVU 676 525
9. MOHAMMED ALI
S/O. LATE MUHAMMED @ KUNJAPPU HAJI
PULLANITHODI POONKUZHI HOUSE, AMAPPOYIL, VELLAYOOR P.O
MALAPPURAM DISTRICT, PIN 679 327

10. SAINABA
D/O. LATE MUHAMMED @ KUNJAPPU HAJI
PULLANITHODI POONKUZHI HOUSE, AMAPPOYIL, VELLAYOOR P.O
MALAPPURAM DISTRICT, PIN 679 327
11. ABDUL GAFOOR AGED 43 YEARS
S/O. LATE MUHAMMED @ KUNJAPPU HAJI
PULLANTHODI POONKUZHI HOUSE, AMAPPOYIL, VELLAYOOR P.O
MALAPPURAM DISTRICT PIN 679 327.

BY ADVS.SRI.R.RAMADAS
SRI.T.SIVADASAN

RESPONDENTS :

1. THE DISTRICT SUPERINTENDENT OF POLICE
MALAPPURAM PIN 676 505
2. THE DEPUTY SUPERINTENDENT OF POLICE,
PERINTHALMANNA, MALAPPURAM PIN 679 322
3. THE CIRCLE INSPECTOR OF POLICE,
WANDOOOR, MALAPPURAM PIN 679 328
4. THE SUB INSPECTOR OF POLICE,
KALIKAVU, MALAPPURAM PIN 676 525
5. KALIKAVU AREA LOADING WORKERS UNION(CITU)
REPRESENTED BY ITS SECRETARY E.P UMMER
KALIKAVU JUNCTION, KALIKAVU P.O
MALAPPURAM PIN 676 525
6. KALIKAVU AREA LOADING WORKERS UNION(INTUC)
REPRESENTED BY ITS SECRETARY A.K
MUHAMMEDALI KALIKAVU JUNCTION
KALIKAVU P.O, MALAPPURAM PIN 676 525
7. KALIKAVU AREA LOADING WORKERS UNION (STU)
RPERESNTED BY ITS SECRETARY C.P
MUHAMMEDALI KALIKAVU JUNCTION
KALIKAVU P.O, MALAPPURAM PIN 676 525.

R1 TO R4 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR.
R5 TO R7 BY ADV. SRI.MILLU DANDAPANI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1 A : TRUE COPY OF THE COMPLAINT DATED 11-05-2005

EXHIBIT P1(A) : TRUE ENGLISH TRANSLATION OF EXT.P1 COMPLAINT

EXHIBIT P2 A : TRUE COPY OF THE FIR NO 317 DATED 23-05-2015 OF KALIKAVU
POLICE STATION WITH ENGLISH TRANSLATION.

EXHIBIT P3 : TRUE COPY OF THE COMMUNICATION DATED 28.07.2015 RECEIVED
FROM THE ASSISTANT LABOUR OFFICER, NILAMBUR.

EXHIBIT P3(A) : TRUE ENGLISH TRANSLATION OF COMMUNICATION IN MALAYALAM
PRODUCED AND MARKED AS EXHIBIT P3.

EXHIBIT P4 : STATEMENT SHOWING THE EXPENDITURE TO BE INCURRED BY THE
PETITIONERS IF WORK IS GOT DONE BY WORKERS OF RESPONDENTS
5 TO 7 VIS-A-VIS THE WORK IS DONE BY EMPLOYEES OF THE
PETITIONERS.

RESPONDENTS' EXHIBITS :

EXT.R5(A) : TRUE COPIES OF THE IDENTITY CARDS ISSUED BY THE LABOUR
DEPARTMENT, GOVERNMENT OF KERALA TO THE REGISTERED
WORKERS.

/TRUE COPY/

PA TO JUDGE

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

W.P(C). No. 20333 of 2015

Dated this the 5th October, 2015

JUDGMENT

Shaffique, J

Petitioners have approached this court seeking police protection. It is stated that the petitioners are in possession and enjoyment of certain item of property and as part of their agricultural operations, they have engaged certain workers to cut and remove certain trees standing in the property. It is stated that respondents 5 to 7 Unions have obstructed the work being carried out by the petitioners' workers and they have been claiming 'nokkukooli'. It is stated that cutting of trees and loading and unloading work in the premises is being done through mechanical devices and the petitioners have no opportunity to engage any workers and that it is not a Scheme covered area. Therefore the respondents 5 to 7 cannot demand any work from the petitioner.

2. We have already passed an interim order on 17.8.2015 directing the fourth respondent to ensure maintenance of law

and order in the matter relating to cutting and removal of trees by the petitioners in their property and to ensure that no obstruction is being caused by respondents 5 to 11.

3. Counter affidavit has been filed by respondents 5 to 7 inter alia stating that they are persons who are having registration cards in the the locality and they have demanded work from the petitioners and they have not demanded any nokkukooli as alleged. They have already taken up the matter before the Labour Authorities, which is pending consideration.

4. Having regard to the above factual situation, we are of the view that as the matter stands now, unless there is specific direction by the District Labour Officer or any such competent Labour Authorities, it shall not be open for respondents 5 to 7 to demand any work. Petitioners are entitled to carry on the work of cutting and removal of timber with their own workers. In such event if there is any obstruction, police is bound to ensure maintenance of law and order.

In such circumstances, the writ petition is disposed of directing the fourth respondent to ensure maintenance of law and order in the matter relating to cutting and removal of timber by the petitioners and shall also ensure that no

obstruction is being caused by respondents 5 to 7. This is subject to any further orders passed by the Labour Authorities in this regard.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE

// True copy //

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