

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 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

WP(C) .No. 20562 of 2015 (U)

PETITIONER(S) :-

M/S.D.C.MILLS (PVT.) LIMITED,
REPRESENTED BY ITS MANAGER, REGISTERED OFFICE,
134/1, MANNANCHERY P.O., ALAPPUZHA DISTRICT.

BY ADV. SRI.V.S.AFSAL KHAN

RESPONDENT(S) :-

1. VINAYAKUMAR.T.K., THAYYIL HOUSE,
MANNANCHERRY P.O., ALAPPUZHA - 688 538.
2. AVINASH.P., KUPPAYATHU,
POLLETHAI.P.O., ALAPPUZHA - 688 567.
3. MADHUSOODANAN.S., KARIKKUZHAY,
S.N.PURAM.P.O., ALAPPUZHA - 688 582.
4. SINIMON.K.V., SINI NOVAS,
MARARIKULAM NORTH P.O., ALAPPUZHA - 688 549.
5. MADHU.P.R., PUTHENPARAMBIL,
MARARIKULAM NORTH P.O., ALAPPUZHA - 688 549.
6. SAJEEV.S., VARAKADIVELY,
KALAVOOR P.O., ALAPPUZHA -688 522.
7. SUMESHKUMAR.S., MARATHEKATTUVELY,
S.L.PURAM P.O., ALAPPUZHA - 688 523.
8. ANEESH.K., ULLOOR HOUSE,
PONNADU P.O., ALAPPUZHA - 688 538.
9. JAYAN.T., THEKKEKUDUVASSERIYIL,
POLLETHAI.P.O., ALAPPUZHA - 688 567.
10. RENJITH.R., KUNNATHUVELY,
NORTH ARYAD P.O., ALAPPUZHA - 688 542.

11. DINESAN.P.B., PATTAPARAMBUVELY,
MARARIKULAM NORTH.P.O., ALAPPUZHA - 688 549.
12. JOHNSON.J., PANANCHIKAL,
AVALOOKUNNU.P.O., ALAPPUZHA - 688 006.
13. GOPAKUMAR C.G., CHERUVELLIVELY,
KATTOOR.P.O., KALAVOOR, ALAPPUZHA - 688 546.
14. MURALEEDHARAN.S., PUTHEN PARAMBU,
KALAVOOR P.O., ALAPPUZHA - 688 522.
15. SUMESH.M., CHIRAYIL HOUSE,
PERUMTHURUTH, KALAVOOR.P.O., ALAPPUZHA - 688 522.
16. OMANAKUTTAN.A.K., ACHUPARAMBIL VEEDU,
MARARIKULAM NORTH P.O., ALAPPUZHA - 688 549.
17. RAJESHKUMAR.P., THAIPARAMBIL,
ARATTUVAZHY, ALAPPUZHA - 688 007.
18. SELVARAJ.K.R., KAMBIYIL,
CANAL WARD, ALAPPUZHA - 688 007.
19. THE SUPERINTENDENT OF POLICE, ALAPPUZHA - 688 001.
20. THE DEPUTY SUPERINTENDENT OF POLICE, ALAPPUZHA - 688 001.
21. THE DEPUTY SUPERINTENDENT OF POLICE,
CHERTHALA, ALAPPUZHA - 688 524.
22. THE CIRCLE INSPECTOR OF POLICE,
NORTH CIRCLE, ALAPPUZHA - 688 526.
23. THE CIRCLE INSPECTOR OF POLICE,
SOUTH CIRCLE, ALAPPUZHA - 688 001.
24. THE SUB INSPECTOR OF POLICE,
MARARIKULAM, ALAPPUZHA - 688 523.
25. THE SUB INSPECTOR OF POLICE,
MANNANCHERRY, ALAPPUZHA - 688 538.

R19 TO R25 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

APPENDIX

PETITIONER'S EXHIBITS :-

EXT.P1 :- TRUE COPY OF THE RECEIPT OF THE CERTIFICATE OF AWARD FROM INDIAN CHAMBER OF COMMERCE & INDUSTRY DURING THE YEAR 2005-2006.

EXT.P2 :- TRUE COPY OF THE RECEIPT OF THE CERTIFICATE OF AWARD FROM INDIAN CHAMBER OF COMMERCE & INDUSTRY DURING THE YEAR 2006 TO 2007.

EXT.P3 :- TRUE COPY OF THE AWARD FOR THE YEAR 2007-2008 FROM DEPARTMENT OF COIR DEVELOPMENT, GOVERNMENT OF KERALA.

EXT.P4 :- TRUE COPY OF THE PETITION DATED 6.4.2015 FILED BY THE PETITIONER.

EXT.P5 :- TRUE COPY OF THE PETITION DATED 14.5.2015 FILED BY THE PETITIONER BEFORE THE 23RD RESPONDENT.

EXT.P6 :- TRUE COPY OF THE SETTLEMENT AGREEMENT DATED 29.5.2015 BETWEEN THE MANAGEMENT AND THE REGISTERED UNION.

EXT.P6A :- TRUE COPY OF THE ENGLISH TRANSLATION OF (EXT.P6) SETTLEMENT AGREEMENT DATED 29.5.2015.

EXT.P7 :- TRUE COPY OF THE PHOTOGRAPH. (No.1)

EXT.P8 :- TRUE COPY OF THE PETITION DATED 3.7.2015 FILED BY THE PETITIONER BEFORE THE 19TH RESPONDENT WITH COPY TO THE RESPONDENTS 20 TO 25.

EXT.P9 :- TRUE COPY OF THE W.P.(C)No.36804/2009 DATED 23.8.2009.

EXT.P10 :- TRUE COPY OF THE JUDGMENT IN W.P.(C)No.23817/2010 DATED 3.8.2011.

EXT.P11 :- TRUE COPY OF THE TREATMENT HISTORY DATED 10.11.2014 OF THE MANAGING DIRECTOR OF THE COMPANY.

RESPONDENT'S EXHIBITS :- NIL.

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No. 20562 OF 2015

Dated this the 8th day of July, 2015

JUDGMENT

Shaffique, J.

This writ petition is filed by a Company seeking police protection, inter alia contending that, respondents 1 to 18 are obstructing the functioning of the Company. It has been stated that on account of certain financial difficulties faced by the Company, they were unable to pay the bonus as demanded by the respondents. Demanding the bonus payable, a strike is being conducted by the private respondents and they are obstructing the willing workers from entering into the premises for carrying on the business activities. It is stated that petitioner has employed about 400 employees, out of which 280 were retrenched and the rest of the employees are willing to work. But their ingress and egress are being prevented by the private respondents.

2. Learned Government Pleader submits that appropriate police protection has been granted in the matter

on the request of the petitioner. If any untoward incident occurs, they are willing to provide necessary protection to the petitioner Company. According to the learned Government Pleader, appropriate police force is available to prevent any untoward incident and ensure free ingress and egress for the willing workers. Having regard to the aforesaid factual situation, we do not think it necessary to issue notice to respondents 1 to 18.

Under such circumstances, we do not think that any direction as sought for is required to be passed. But taking on record the submission of learned Government Pleader, we dispose of the Writ Petition with an observation that if any obstruction is created by private respondents, on the complaint of the petitioner, the Police shall look into the same and do the needful.

**Ashok Bhushan,
Chief Justice.**

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