

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 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 22126 of 2015 (M)

PETITIONER(S) :

1. PATTOM SASIDHARAN, GENERAL SECRETARY,
MOTOR THOZHILALI UNION (AITUC) AGED 55 YEARS
REG.NO.01/39/88, KODAR LANE, STATUE
THIRUVANANTHAPURAM 1.

2. SULABHAKUMAR
TC 43/28/1, POORAM HOUSE, MANAKKAD KARA
KAMALESWARAM
THIRUVANANTHAPURAM (AUTORICKSHAW DRIVER AT THAMBANOOR)

3. JAYAPRAKASH
S/O.NARAYANAN, TYVILAKATH HOUSE, TC 35/305
VALLAKADAVU DESOM, MUTTATHOOR VILLAGE
THIRUVANANTHAPURAM (AUTORICKSHAW DRIVER AT THAMBANOOR)

BY ADV. SRI.P.K.BABU

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY, LABOUR DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.

2. THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM 695 001.

3. ADDITIONAL DIRECTOR GENERAL OF POLICE TRAFFIC
THIRUVANANTHAPURAM 695 001.

4. DISTRICT LABOUR OFFICER
THOZHILALI BHAVAN, THIRUVANANTHAPURAM 695 001.

5. THE SUB INSPECTOR OF POLICE
THAMBANNUR THIRUVANANTHAPURAM 695 006.

6. MOHAMMED SALIM
CITU UNIT SECRETARY, S/O.MOHAMMED IBRAHIM, TC 46/1074
POONTHURA P.O, THIRUVANANTHAPURAM 695 309.

7. SANJU R
S/O.RAVEENDRAN A, NETTAYIL KUNNAMPURATHE VEEDU
NETTA P.O, NEDUMANGAD, THIRUVANANTHAPURAM 695 541.

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8. BIJU L.R
S/O.RAVI PANICKER, BIJU SADANAM, SRI KRISHNAPURAM
KATTAKADA P.O, THIRUVANANTHAPURAM 695 572.

9. BIJU M
S/O.MOHANAN, TC 39/2055B, KARIMADAM
CHALA P.O, THIRUVANANTHAPURAM 695 592.

10. SHAJU R
S/O.RAJAN C, SHAJINI BHAVAN, KADUVATH VILA
SATHYAN NAGAR, IND.ESTATE P.O
THIRUVANANTHAPURAM 695 019.

11. ARUNKUMAR B
S/O.BENSON, B.V HOUSE, KANNANKULANGARA
KANDALA P.O, KATTAKADA, THIRUVANANTHAPURAM 695 572.

12. SURESH J
S/O.JAYAKUMAR S, KODATHIL VEEDU, KARALAKUZHI
KULATHOOR P.O, THIRUVANANTHAPURAM 695 583.

13. RATHEESHKUMAR R
TC 26/999, HOUSE NO.64 FLAT NO.64, RAJAJI NAGAR
CHENKALCHULLA, THYCAUD, THIRUVANANTHAPURAM 695 014.

14. CHANDRASEKHARAN
TC 28/693, PUNNAPURAM PETTAH P.O
THIRUVANANTHAPURAM 695 019.

15. RAJASHEKHAR
TC 28/693, PUNNAPURAM PETTAH P.O
THIRUVANANTHAPURAM 695 019.

16. ANILKUMAR V
S/O.VIJAYAN, TC 1109/10 FLAT NO.26, RAJAJI NAGAR
THAMBANOOR WARD, THYCAUD VILLAGE
THIRUVANANTHAPURAM 695 014.

17. SHAJIKUMAR K
TC 25/1442, BHARTANBILL, VANCHIYOOR P.O
THIRUVANANTHAPURAM 695 035.

R1 TO R5 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 22126 of 2015 (M)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1. COPY OF THE DOCUMENT BELONGS TO SULABHAKUMAR P TO SHOW THE AUTORICKSHAW OPERATING AT KSRTC BUSSTAND.

EXHIBIT P2. COPY OF THE DOCUMENT BELONGS TO SREEKANTAN K TO SHOW THE AUTORICKSHAW AT KSRTC BUS STAND.

EXHIBIT P3. COPY OF THE DOCUMENT BELONGS TO RAJESHKUMAR S TO SHOW THE AUTORICKSHAW AT KSRTC BUS STAND.

EXHIBIT P4. COPY OF THE REPRESENTATION DATED NIL FILED BEFORE THE DISTRICT COLLECTOR BY THE 1ST PETITIONER.

EXHIBIT P5. COPY OF THE REPRESENTATION SUBMITTED BEFORE THE S.I OF POLICE, THAMBANOOR ON 11.6.15.

EXHIBIT P6. COPY OF THE PETITION DATED NIL FILED BY THE 1ST PETITIONER BEFORE THE 4TH RESPONDENT.

EXHIBIT P7. COPY OF THE PETITION FILED BY THE 1ST PETITIONER BEFORE THE 3RD RESPONDENT DATED NIL.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

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

W.P.(C).No. 22126 of 2015

Dated this the 21st July, 2015

JUDGMENT

Shaffique, J.

The first petitioner claiming to be the General Secretary of the Motor Thozhilali Union (AITUC) and the other petitioners being autorikshaw drivers attached to the said union, have approached this Court seeking Police protection. It is inter alia contended that there is a private auto stand in Thambanoor KSRTC Bus Station. Certain members of another union resigned from the said union and joined the union of the first petitioner. After such change being made, it is alleged that respondents 6 to 17, who are belonging to various other unions, have obstructed the members of the first petitioner union and threatened them that they will not be permitted to work as auto drivers in Thambanoor Bus Stand. The petitioners

submitted representations to various authorities, including Police and since no action is taken in the matter, they have approached this Court.

2. The learned Government Pleader, on instructions, would submit that there is a Police Aid Post very near to the Thambanoor Bus Stand and if at all there is any law and order situation, sufficient Police force will be available to maintain law and order. As matters stand today, no such untoward incident has been reported.

3. Having regard to the claim of the petitioners that they should be permitted to park in the Thambanoor Bus Stand, such issues cannot be decided by this Court in a petition filed for Police protection, nor can the Police decide such issues. The Police can interfere only if there is attempt to commit offence or any offence committed.

4. Having regard to the nature of the order which we intend to pass, we do not think it necessary to issue notice to respondents 6 to 17.

5. We only observe that if there is any law and order situation regarding parking of autorikshaws in the Thambanoor Bus Stand, the Police shall look into the matter and do the needful.

With the above observation, the Writ Petition is closed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs21/7/15