

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 22450 of 2015 (E)

PETITIONER(S):

**PERUMAL SMARAKA NIDHI,
KOTTARATHIL BHAJAN MADHOM, RANNI,
REPRESENTED BY ITS PRESIDENT.**

**BY ADVS.SRI.N.K.SUBRAMANIAN
SRI.S.ANANTHAKRISHNAN**

RESPONDENT(S):

- 1. DEPUTY SUPERINTENDENT OF POLICE,
THIRUVALLA, PATHANAMTHITTA DISTRICT - 689 670.**
- 2. THE CIRCLE INSPECTOR OF POLICE
VADASSERIKKARA, PATHANAMTHITTA DISTRICT - 689 671.**
- 3. SUB INSPECTOR OF POLICE,
RANNI-PERUNADU, PATHANAMTHITTA DISTRICT - 689 672.**
- 4. JAMES,
PLACKAL VEEDU, KOONAMKARA POST, RANNI,
PERUNADU, PATHANAMTHITTA DISTRICT - 689 672.**
- 5. THE SECRETARY,
THE PLANTATION WORKERS UNION (I.N.T.U.C.), RANNY-PERUNAD,
PATHANAMTHITTA DISTRICT - 689 672.**

**R4 BY ADV. SRI.MVS.NAMBOOTHIRY
R1 TO R3 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

P1- TRUE COPY OF THE PETITION DATED 5.6.2015.

P2- TRUE COPY OF THE PETITION DATED 5.6.2015.

P3- TRUE COPY OF THE PETITION DATED 5.6.2015.

P4- TRUE COPY OF THE REMINDER DATED 1.7.2015.

P5- TRUE COPY OF THE NOTICE DATED 3.6.2015 BY R5 WITH TRANSLATION.

P6- TRUE COPY OF THE POSTAL COVER.

P7- TRUE COPY OF THE RECEIPT ISSUED BY THE 3RD RESPONDENT.

**P8- TRUE COPY OF THE VOUCHER DTD.15.2.2012 SHOWING THE PAYMENT OF
EX-GRATIA TO THE 4TH RESPONDENT.**

P9- TRUE COPY OF THE NOTICE DTD.14.7.2015.

RESPONDENT(S)' EXHIBITS:

EXT.R4(a): AFFIDAVIT FILED MR. SHAJI, (WITH ENGLISH TRANSLATION).

EXT.R4(b): AFFIDAVIT FILED BY MR. ABDUL AZIZ (WITH ENGLISH TRANSLATION)

EXT.R4(c): AFFIDAVIT FILED BY MR. M.P. VINOD. (WITH ENGLISH TRANSLATION)

//TRUE COPY//

P.S.TO JUDGE

Msv/

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 22450 of 2015

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Dated this, the 8th day of September, 2015

J U D G M E N T

Shaffique, J.

Petitioner claiming to be a charitable organization has approached this Court stating that they own 17 acres of rubber estate at Koonamkara Perunadu where respondents 4 and 5 and their men are creating obstruction in carrying on rubber tapping work. It is stated that some issues had been projected by the 5th respondent before the District Labour Officer, which is pending consideration and in the meantime, obstruction is being created by private respondents.

2. Counter affidavit has been filed by respondents 4 and 5 *inter alia* indicating that they have not created any obstruction as alleged. The intention of the petitioner is to terminate the service of the permanent workers and to engage casual labourers for the said work. Taking into account the issues relating to the labour dispute, complaint has been forwarded to the District

-:2:-

Labour Officer, which is pending consideration and the petitioner is not participating in the said conciliation as well.

3. Reply has been filed by the petitioner stating that if the members of the 5th respondent do not carry on the work, he will have to engage other workers to carry on rubber tapping and other related works in the plantation. Having regard to the aforesaid factual situation, it is apparent that the dispute is pending before the District Labour Officer and police cannot interfere in such labour issues nor can this Court issue any directions in that regard. We only observe that if any offence is committed or if there is any unlawful obstruction from the part of respondents 4 and 5 in the matter relating to the functioning of the rubber estate, it shall always be open for the petitioner to approach the police, who shall look into the matter and remove the obstruction.

Writ petition is disposed of as above.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp