

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 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

WP(C).No. 26173 of 2015 (V)

PETITIONER(S):

**M/S.CEE JEE LUBRICANTS
EDAYAR INDUSTRIAL DEVELOPMENT AREA, BINANIPURAM P.O.
ALUVA - 683 502
REPRESENTED BY ITS PROPRIETOR C.J.ANTO AGED 58 YEARS.**

BY ADV. SRI.V.KRISHNA MENON

RESPONDENTS:-:

- 1. SUB INSPECTOR OF POLICE
BINANIPURAM POLICE STATION, MUPPATHADAM P.O. ALUVA.**
- 2. INTUC (I)
CEE JEE LUBRICANTS UNIT
EDAYAR INDUSTRIAL DEVELOPMENT AREA, BINANIPURAM P.O.
ALUVA - 683 502
REPRESENTED BY ITS SECRETARY JOSEPH SHYJU.**
- 3. REGIONAL JOINT LABOUR COMMISSIONER
CIVIL STATION, KAKKANAD, KOCHI - 682 030.**

**R2 BY ADV. SRI.A.JAYASANKAR
R2 BY ADV. SRI.C.V.MANUVILSAN
R2 BY ADV. SRI.MANU GOVIND
BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 26173 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE LETTER DATED 13.08.2015.

**EXHIBIT P2. TRUE COPY OF THE PETITION DATED 18.08.2015 SUBMITTED TO THE
FIRST RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.**

EXHIBIT P3. TRUE COPY OF ACKNOWLEDGMENT OF RECEIPT OF EXT.P2.

RESPONDENT(S)' EXHIBITS NIL

//True Copy//

PS to Judge

Rp

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 26173 of 2015

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Dated this, the 1st day of September, 2015

J U D G M E N T

Shaffique, J.

Petitioner has approached this Court seeking police protection in the matter relating to movement of finished products in the petitioner's establishment. It is stated that the establishment has been laid off and necessary notice had been given to the competent authorities. The workers have raised a dispute which is pending consideration before the District Labour Officer. In the meantime, when the petitioner attempted to remove the finished products through the willing workmen, it has been obstructed by the 2nd respondent and their men.

2. Counter affidavit has been filed by the 2nd respondent stating that their claim is being adjudicated by the competent authority. Though they have claimed bonus, the same has not been paid. It is stated that they have not created any obstruction as no work is being carried on in the said establishment. As far as

-:2:-

the movement of goods is concerned, learned counsel submits that according to the petitioner, they were selling the finished products to a sister concern and it is not being sold elsewhere. That apart, the requirement of the petitioner is to remove the raw material to a plant at Palakkad and therefore, the writ petition is liable to be dismissed.

3. Having regard to the aforesaid contentions, it is not in dispute that though an issue is pending in regard to the claim for bonus and other amounts by the 2nd respondent, the petitioner can remove the finished products and they are entitled to do so provided they do not remove the plant and machinery in the factory premises.

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

The 1st respondent shall provide adequate protection to the petitioner for removing the finished products alone and also ensure maintenance of law and order for the ingress and egress to the petitioner and their willing workers. If any obstruction is

W.P(C) No.26173/15

-:3:-

caused by the 2nd respondent or their men, the police shall render necessary protection for the same.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge