

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 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

WP(C).No. 26675 of 2015 (H)

PETITIONER :

**M/S.VYTTILA STEEL PRIVATE LTD.,
V/648, 649, BINANIPURAM JUNCTION
EDYAR, ERNAKULAM-683502
REPRESENTED BY ITS DIRECTOR SRI.DIVYAKUMAR JAIN.**

**BY ADVS.SRI.BECHU KURIAN THOMAS
SRI.PAUL JACOB (P)
SRI.ENOCH DAVID SIMON JOEL
SRI.S.SREEDEV
SRI.RONY JOSE
SRI.GEORGE A.CHERIAN**

RESPONDENT(S) :

- 1. THE DISTRICT POLICE CHIEF
ERNAKULAM.**
- 2. THE CIRCLE INSPECTOR OF POLICE
CHERANALLOOR POLICE STATION, ERNAKULAM-683544.**
- 3. THE SUB INSPECTOR OF POLICE
CHERANALLOOR POLICE STATION, ERNAKULAM-683544.**
- 4. ERNAKULAM DISTRICT LORRY-MINI LORRY WORKERS UNION (CITU)
CHERANALLOOR UNIT, MOHANAN-BASHEER MANDIRAM
CHERANALLOOR, ERNAKULAM-682034
REPRESENTED BY ITS SECRETARY SRI. V.K.KAREEM.**
- 5. AITUC UNION
CPI DISTRICT COMMITTEE OFFICE,
CANNON SHED ROAD, ERNAKULAM
REPRESENTED BY ITS SECRETARY SRI. JOY JOSEPH.**

**R1 TO R3 BY SR. GOVT. PLEADER SRI. C.R. SYAMKUMAR
R4 & R5 BY ADV. SRI.A.P.SUBHASH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 26675 of 2015 (H)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE LICENSE DATED 23.7.2015 ISSUED TO THE
PETITIONER BY THE CHERANALLOOR PANCHAYAT.**

EXHIBIT P1(a): ENGLISH TRANSLATION OF EXT.P1.

**EXHIBIT P2: TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER DATED
12.8.2015 ALONG WITH THE LETTER OF DEMAND OF 4TH
RESPONDENT.**

EXHIBIT P2(a): ENGLISH TRANSLATION OF EXT.P2.

**EXHIBIT P3: TRUE COPY OF THE COMPLAINT DATED 26.8.2015 SUBMITTED BY THE
PETITIONER BEFORE THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.26675 of 2015

Dated this the 28th day of September 2015

J U D G M E N T

Shaffique, J

Petitioner is a company engaged in the business of steel pipes and other allied products. According to them, several lorry loads of materials used to come to their establishment for unloading and supplies are also effected from the godowns to various other places. Customers bring their own lorries or they do hire lorries for supply of materials.

2. Respondents 4 and 5 are two unions functioning in the area, who manage certain lorries / mini lorries, are preventing the petitioner as well as other customers from taking on hire other lorries of their choice for unloading the materials as well as for loading and supply of materials. It is stated that respondents 4 and 5 are insisting that members of their unions alone should be permitted to carry the materials from the said godown to the place of the customers.

3. Counter affidavit has been filed by respondents 4 and 5 inter alia indicating that they have not obstructed the petitioner in any manner whereas they have only taken up the issue with

the petitioner to permit them also to transport materials as they are also awaiting call from the petitioner. It is stated that the petitioner is engaging lorries which are carrying on return trips. This has caused substantial inconvenience, monetary loss and hardship to the members of the Unions.

4. Having regard to the aforesaid factual situation, we do not think that respondents 4 and 5 or their men have any right to prevent the petitioner or their customers from engaging their own transportation arrangements. Under such circumstances, if there is any obstruction from the side of respondents 4 and 5 or their men, police is bound to take necessary action and prevent such obstruction.

Having regard to the aforesaid facts, we direct respondents 2 and 3 to ensure maintenance of law and order in the matter relating to loading, unloading and transportation of materials from the petitioner's premises and ensure that no obstruction is being caused to the said activity.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr/28/09/2015

