

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 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 27875 of 2015 (H)

PETITIONER(S):

MALAYALAM EXPORT ENTERPRISES
NO.II, MUSALIYAR NAGAR, 2ND MILE STONE
KILIKOLLOOR, KOLLAM DISTRICT -
REPRESENTED BY ITS PROPRIETOR NARAYAN BHARATHAN

BY ADV. SRI.N.D.PREMACHANDRAN

RESPONDENT(S):

1. THE CITY COMMISSIONER OF POLICE
KOLLAM CITY - 691 001.
2. THE CIRCLE INSPECTOR OF POLICE
KOLLAM EAST POLICE STATION, KOLLAM CITY - 691 001.
3. THE SUB INSPECTOR OF POLICE
EAST POLICE STATION, KOLLAM CITY - 691 001.
4. THE CIRCLE INSPECTOR OF POLICE
ERAVIPURAM, ERAVIPURAM, KOLLAM - 691 001.
5. THE SUB INSPECTOR OF POLICE
KILIKOLLOOR, KILIKOLLOOR POLICE STATION, KOLLAM - 4.
6. SRI.V.SASIDHARAN
CONVENOR ALL KERALA CASHEW NUT FACTORY FEDERATION (UTUC)
KOLLAM, SARASWATHI MANDIRAM, SHAPPU MUKKU
PERUMPUZHA, KOLLAM - 691 504.
7. SATHIAN, CONVENER
KASUVANDI THOZHILALI CENTRE (CITU), KOLLAM
GEETHABHAVANAM, LUKKATTIL BHAVAM, AMBIPOYKA P.O.,
KUNDARA - 691 501.
8. S.D.ABHILASH, CONVENER
KOTTANKARA KASUVANDI THOZHILALI COUNCIL, AITUC
ABHILASH BHAVANAM, RADIO JUNCTION, PERUMPUZHA P.O.,
KOLLAM - 691 504.

9. VARADHARAJAN

BORMA MAN, CHARUVILA PUTHENVEEDU, PUNNAMUKKU
PERUMPUZHA P.O., KOLLAM - 691 504.

R6-R9 BY ADV. SRI.T.R.RAJAN

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

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05-10-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Sou.

WP(C).No. 27875 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS :-

EXT.P1-A COPY OF THE COMPLAINT PETITION TO THE FIRST RESPONDENT DATED 7.9.2015.

EXT.P2- A COPY OF THE PETITION TO THE FIRST RESPONDENT DATED 8.9.2015.

EXT.P2(a)- ENGLISH TRANSLATION OF EXT.P2.

EXT.P3- A COPY OF THE COMPLAINT PETITION TO THE FIRST RESPONDENT DATED 9.9.2015.

EXT.P4-A COPY ODF THE LETTER SENT BY THE PETITIONER TO THE REGIONAL JOINT
LABOUR COMMISSIONER.

RESPONDENT(S)' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P(C). No. 27875 of 2015

Dated this the 5th day of October, 2015

JUDGMENT

Shaffique, J

Petitioner has approached this Court seeking police protection against the obstruction being caused to the staff and willing workers of the Head Office of the petitioner's establishment and to prevent respondents 6 to 9 and their men from conducting any strike in front of his residence Nakshathra, Cantonment, Kollam. It is submitted that the petitioner is a proprietary concern who was running cashew factory, which has to be closed down since December, 2013. It is stated that there was certain issues with workers who are on strike and since workers were not carrying on duties in accordance with the activities to be carried on for processing of cashew kernels, the petitioner was unable to proceed further and accordingly the unit has to be closed down.

2. However, alleging that bonus has not been paid, respondents 6 to 9 and their men obstructed the petitioner in

his office premises as well as at his residence. Though complaints have been given to police, no action has been taken. Therefore, the petitioner has approached this Court.

3. Counter affidavit has been filed by respondents 6 to 9 inter alia stating that they have not created any obstruction to petitioner's office or residential premises. No untoward incident has occurred as alleged by the petitioner. Further it is stated that they are again willing to work in the factory but they are prevented from doing the work in the factory premises.

4. Reply affidavit has been filed by the petitioner. It is stated that though the petitioner was ready and willing to operate the unit, the workers were not willing to work in a continuous manner which was required for a cashew processing unit. Such a situation resulted in the petitioner to close down the unit. The petitioner has seven units in Tamil Nadu. The office is functioning for managing the work in Tamil Nadu.

5. Learned Government Pleader submits that proper police protection has been made available and no untoward incident has been reported.

6. Having regard to the above fact situation, we are of the view that in the event any obstruction is being caused to

the functioning of the petitioner's office or to petitioner's residence, police is bound to interfere in the matter and ensure that no such obstruction is being caused to the functioning of the office and residence of the writ petitioner. As far as the unit of the petitioner is concerned, it is always open for the petitioner to take necessary steps in that regard and workers are entitled to approach the Labour Authorities for resolving their disputes.

The writ petition is disposed as above.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE

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