

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&**

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 31728 of 2015 (M)

PETITIONER(S):

- 1. F A C T EMPLOYEES CONGRESS (I.N.T.U.C)
REGISTRATION NO.258/69, P.B.NO.16,
UDYOGAMANDAL-683 501, ALUVA,
REPRESENTED BY IT'S GENERAL SECRETARY,
K.C.RAPHAEL, AGED 55 YEARS, S/O.K.T.CHACKO,
KOCHERI HOUSE, NEAR ED FLAT, UDYOGAMANDAL, PIN-683 501**
- 2. K.C.RAPHAEL, GENERAL SECRETARY,
F A C T EMPLOYEES CONGRESS (I.N.T.U.C),
BADGE NO.9016, UTILITY DEPARTMENT FACT,
UDYOGAMANDAL, PIN-683 501**

**BY ADVS.SRI.BABU CHERUKARA
SMT.ROSAMMA MATHEW
SRI.SEVI VARGHESE
SRI.P.A.SALIM
SRI.ANZAR BASHEER
SRI.P.ANTO THOMAS
SRI.K.S.GIREESAN**

RESPONDENT(S):

- 1. CIRCLE INSPECTOR OF POLICE,
ERNAKULAM TOWN POLICE STATION,
ERNAKULAM, COCHIN-682 018**
- 2. SUB INSPECTOR OF POLICE, ELOOR POLICE STATION,
UDYOGAMANDAL.P.O., PIN-683 501**
- 3. V.A.NAZAR, BADGE NO.13784, TRAFFIC DEPARTMENT,
F A C T, UDYOGAMANDAL, RESIDING AT VALIYANGADI HOUSE,
EDAYAR, BINANIPURAM.P.O., ALUVA, PIN-683 502**
- 4. U.G.THASH, BADGE NO.11763, ACID PLANT DEPARTMENT,
F A C T, UDYOGAMANDAL, RESIDING AT UNGUAL HOUSE,
WEST KADUNGALLOOR, ALUVA, PIN-683 110**

R1 & R2 BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE REGISTRATION CERTIFICATE OF THE 1ST PETITIONER.
- P2 COPY OF THE BYLAW OF THE 1ST PETITIONER.
- P3 COPY OF THE SUIT NO.O.S.NO.756/2014 OF MUNSIFF'S COURT, PARAVOOR DATED 17/09/2014
- P4 COPY OF THE I.A.NO.2601/2014 IN O.S.NO.756/2014 OF MUNSIFF'S COURT, PARAVOOR DATED 4/10/2014.
- P5 COPY OF THE DATED 10/10/2014 BY MUNSIFF'S COURT, PARAVUR ORDER PASSED IN EXHIBIT P4.
- P6 COPY OF THE LIST OF NEW OFFICE BEARERS DATED 25/06/2015
- P7 COPY OF THE PLAINT IN O.S.NO.709/2014 DATED 22/08/2014 BEFORE MUNSIFF'S COURT, PARAVOOR
- P8 COPY OF THE ORDER DATED 18/09/2015 IN I.A.NO.1811/2014 IN O.S.NO.709/2014 BEFORE MUNSIFF'S COURT, PARAVOOR
- P9 COPY OF THE PRINTED NOTICE IN MALAYALAM DATED 30/09/2015
- P9(A) COPY OF THE ENGLISH TRANSLATION OF THE MALAYALAM EXHIBIT P9
- P10 COPY OF THE PETITION GIVEN TO THE SUB INSPECTOR OF POLICE ELOOR POLICE STATION, BY THE 2ND RESPONDENT DATED 14/10/2015
- P10(A) COPY OF THE ENGLISH TRANSLATION OF THE MALAYALAM EXHIBIT P10
- P11 COPY OF THE ACKNOWLEDGEMENT RECEIPT DATED 14/10/2015 GIVEN BY THE 2ND RESPONDENT FOR THE RECEIPT OF EXHIBIT P10 PETITION.
- P12 COPY OF THE DECISION OF THE WORKING COMMITTEE OF THE 1ST PETITIONER UNION DATED 13/10/2015
- P12(A) COPY OF THE ENGLISH TRANSLATION OF THE MALAYALAM EXHIBIT P12
- P13 COPY OF THE ORDERS PASSED BY THE MUNSIFF'S COURT NORTH PARUR A COPY OF THE ORDER IN I.A.NO.495 OF 2015 IN O.S.NO.756 OF 2014 DATED 5/6/2015.

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.31728 of 2015

Dated this the 16th day of October 2015

J U D G M E N T

Shaffique, J

Petitioners have approached this Court seeking police protection. It is inter alia contended that they intend to conduct an election of the office bearers and they apprehend that respondents 3 and 4 may create obstruction. Though they have given complaints to the police, since they apprehend that no action will be taken by the police, this writ petition is filed.

2. Apparently, the request of the petitioners is to provide protection for the smooth conduct of election of the office bearers of the Trade Union, for which police cannot be directed to be present. Police has to maintain law and order only if there is any offence committed or there is an attempt to commit offence. None of such situations has arisen, as matters stand now. Petitioners have only an apprehension regarding law and order situation and that too only by two persons. Hence we do not think that any direction, as sought for, can be granted. However, we

observe that if any offence is committed or there is any attempt to commit offence, it is always open for the petitioners to file necessary complaint before the police who shall look into the matter and take appropriate action, in accordance with law.

With the above observation, this writ petition is closed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)
(sd/-)
(A.M.SHAFFIQUE, JUDGE)

True Copy

PA to Judge

jsr/16/10/2015

