

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C).No. 31936 of 2015 (N)

PETITIONER(S):

**M/S. P.X.FOUNDATION,
15/815A, VATTAMACKAL ROAD, MOOLAMKUZHI,
KOCHI-682507,
REPRESENTED BY ITS MANAGING PARTNER SRI. P.X.SEBASTIAN.**

**BY ADVS.SRI.S.EASWARAN
SRI.P.MURALEEDHARAN (IRIMPANAM)
SRI.M.A.AUGUSTINE
SRI.P.SREEKUMAR (THOTTAKKATTUKARA)
SMT.SOUMYA JAMES**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, CIVIL STATION, KAKKANAD,
KOCHI-682030.**
- 2. SUPERINTENDING ENGINEER,
P.W.D. BUILDINGS, CENTRAL CIRCLE, THRISSUR-680001.**
- 3. THE SUB INSPECTOR OF POLICE,
VARAPUZHA-683517.**
- 4. ERNAKULAM JILLA NIRMANA THOZHILALI SANGH (BMS),
I.S.PRESS ROAD, KOCHI-682018,
REPRESENTED BY ITS GENERAL SECRETARY,
SHRI. K.S. ANILKUMAR.**

**R1-3 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R4 BY ADVS. SRI.K.SHRIHARI RAO
SMT.N.SHOBHA
SRI.A.S.SREEKANTH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 31936 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. COPY OF COMMUNICATION NO. D8685/2014 DATED 23-7-2015 ISSUED
BY THE 2ND RESPONDENT.**
- EXT.P2. COPY OF PETITION DATED 15-10-2015 SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.**
- EXT.P3. COPY OF JUDGMENT DATED 19TH NOVEMBER, 2014 IN W.P.(C) NO.
28310 OF 2014.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 31936 of 2015

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Dated this, the 4th day of November, 2015

J U D G M E N T

Shaffique, J.

Petitioner has approached this Court seeking for police protection in the matter relating to the contract which he had undertaken for piling and other civil works. It is stated that he has engaged workmen of his choice for carrying out the construction activities. But the same has been obstructed by the 4th respondent and their men. Petitioner had approached the police seeking necessary police protection and since no action was taken by the police, this writ petition has been filed.

2. Counter affidavit has been filed by the 4th respondent *inter alia* stating that their union consists of members in the locality where the work is being carried on and the petitioner is engaging only workers belonging to other unions and members of the 4th respondent union are being unnecessarily prevented from undertaking the work.

-:2:-

3. The facts being so, we are of the view that in the absence of any legal right that the members of the 4th respondent should be permitted to do the work, which has been undertaken by the petitioner, the 4th respondent cannot take law into their hands and insist that their members should be permitted to carry on the work nor can they obstruct the work being carried on by the petitioner through the workmen of their choice.

Under such circumstances, this writ petition is disposed of as under;

The 3rd respondent shall ensure maintenance of law and order in the matter relating to the work being carried on by the petitioner in the site at Varappuzha and also ensure that no obstruction is being caused by the members of the 4th respondent.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

4/11/2015

//True Copy//

PS to Judge