

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 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

WP(C).No. 32699 of 2015 (J)

PETITIONER:

**SAUKAR MASJID COMMITTEE,
CCSB ROAD, WEST OF IRON BRIDGE, NEW BAZAR,
ALAPPUZHA-688 001, REPRESENTED BY ITS SECRETARY,
HAJI ABDUL RAHIM, AGED 83 YEARS,
S/O. MUHAMMED KUNJU.**

**BY ADVS.SRI.B.ASHOK SHENOY
SRI.K.V.GEORGE
SRI.P.N.RAJAGOPALAN NAIR
SRI.P.S.GIREESH
SRI.RIYAL DEVASSY**

RESPONDENT(S):

- 1. THE DISTRICT POLICE CHIEF,
OFFICE OF THE DISTRICT POLICE CHIEF,
ALAPPUZHA-688 001.**
- 2. THE DEPUTY SUPERINTENDENT OF POLICE,
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
ALAPPUZHA-688 001.**
- 3. THE CIRCLE INSPECTOR OF POLICE,
ALAPPUZHA SOUTH POLICE STATION,
ALAPPUZHA-688 001.**
- 4. HEADLOAD AND GENERAL WORKERS UNION (CITU),
MARKET UNIT, ALAPPUZHA-688 001,
REPRESENTED BY ITS UNIT CONVENER,
ALEXANDER.**
- 5. AMBALAPUZHA TALUK POTHUMARAMATHU
LANDING AND LOADING UNION (AITUC),
ST.GEORGE STREET, ALAPPUZHA-688 001
REPRESENTED BY ITS UNIT CONVENER,
MOHAMMED RASHEED.**

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6. AMBALAPUZHA TALUK POTHUMARAMATHU
LANDING AND LOADING UNION (AITUC),
MUNICIPAL OFFICE, ALAPPUZHA-688 001,
REPRESENTED BY ITS UNIT CONVENER,
MUHAMAMED SHERIFF.
7. LORRY TRANSPORT WORKERS' UNION (INTUC),
NEW BAZAR, ALAPPUZHA-688 001,
REPRESENTED BY ITS UNIT CONVENER, ASHRAF.

R1 TO R3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN
R4 TO R7 BY ADV. SRI.R.AZAD BABU
R BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

WP(C).No. 32699 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 : TRUE COPY OF BUILDING PERMIT NO.E3B-1191/10 DTD.10.9.2015 ISSUED BY ALAPPUZHA MUNICIPAL COUNCIL.
- P2 : TRUE COPY OF WORK SCHEDULE DTD.1.10.2015 ISSUED BY PWD CONTRACTOR, SHANAVAS M.S. TO PETITIONER.
- P3 : TRUE COPY OF REPRESENTATION DTD.3.10.2015 SUBMITTED TO RESPONDENTS NOS.1 TO 3 BY PETITIONER.
- P4 : TRUE COPY OF RECEIPT OF PETITION NO.72222/2015/A DTD.5.10.2015 ISSUED BY 1ST RESPONDENT ALONGWITH ITS TRUE ENGLISH TRANSLATION.
- P5 : TRUE COPY OF ACKNOWLEDGMENT RECEIPT OF PETITION NO.144097/2015 DTD.5.10.2015 ISSUED BY 2ND RESPONDENT.
- P6 : TRUE COPY OF RECEIPT OF PETITION NO.144097/2015 DTD.5.10.2015 ISSUED BY 3RD RESPONDENT ALONGWITH ITS TRUE ENGLISH TRANSLATION.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

**ASHOK BHUSHAN, C.J. &
A.M.SHAFFIQUE, J.**

W.P.(C)No.32699 of 2015

Dated this the 16th day of November, 2015.

J U D G M E N T

SHAFFIQUE, J.

The petitioner has approached this Court seeking police protection. It is stated that the petitioner had obtained permit for construction of a building which is being obstructed by respondents 4 to 7 and though a complaint has been filed before the police, no action has been taken in the matter.

2. According to the petitioner, respondents 4 to 7 are demanding that the construction works should be entrusted to their members alone and therefore the petitioner is unable to start the construction. According to the petitioner, they have their own workers to carry on with the construction work and respondents 4 to 7 have no legal right to demand such work.

3. The learned counsel appearing for respondents 4 to 7 submits that there is enough loading and unloading works at the site and the intention of the petitioner is to prevent the loading and unloading works from being given to the members of respondents 4 to 7. It is also stated that the petitioner had not started any work and there is a general agreement within the area that if any law and order situation arises regarding the labour issues, the matter has to be referred to the District Collector.

4. Be that as it may, as far as the loading and unloading work is concerned, probably respondents 4 to 7 may have a right to demand such work, but they cannot insist that their members alone should be permitted to carry on the construction work at the site of the petitioner.

In the said circumstances, this writ petition is disposed of as under :

If there is any obstruction from respondents 4 to 7 or their men in the matter relating to construction works being

carried on by the petitioner through their own workers, the 3rd respondent shall ensure maintenance of law and order situation and shall also ensure that no obstruction is caused by respondents 4 to 7 or their men in the construction works.

However, this order is without prejudice to right of respondents 4 to 7 for demanding the loading and unloading work, if any such work exists in the said site of the petitioner.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A. to Judge