

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 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

WP(C) .No. 32993 of 2015 (Y)

PETITIONER(S) :-

M/S. ALKEM LABORATORIES LTD.,
"DEVASHISH" ALKEM HOUSE, SENAPATHIBAPAT MARG,
LOWER PAREL (WEST), MUMBAI - 400 013,
REPRESENTED BY ITS GENERAL MANAGER (HR), ATUL C. PARAB.

BY ADVS.SMT.SUMATHY DANDAPANI (SR.)
SRI.MILLU DANDAPANI
SMT.ANNA THOMAS

RESPONDENT(S) :-

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. STATE POLICE CHIEF, POLICE HEAD QUARTERS,
VELLAYAMBALAM, TRIVANDRUM - 695 010.
3. DISTRICT POLICE CHIEF, TRIVANDRUM CITY,
OFFICE OF THE COMMISSIONER OF POLICE,
TRIVANDRUM - 695 010.
4. DISTRICT POLICE CHIEF, TRIVANDRUM RURAL,
OFFICE OF THE SUPERINTENDENT OF POLICE,
TRIVANDRUM - 695 010.
5. DISTRICT POLICE CHIEF, KOLLAM CITY,
OFFICE OF THE COMMISSIONER OF POLICE, KOLLAM - 691 001.
6. DISTRICT POLICE CHIEF, KOLLAM RURAL,
OFFICE OF THE SUPERINTENDENT OF POLICE, KOLLAM-691 001.
7. DISTRICT POLICE CHIEF, PATHANAMTHITTA,
OFFICE OF THE SUPERINTENDENT OF POLICE,
PATHANAMTHITTA - 689 645.
8. DISTRICT POLICE CHIEF, ALAPPUZHA,
OFFICE OF SUPERINTENDENT OF POLICE, ALAPPUZHA-688 001.

9. DISTRICT POLICE CHIEF, IDUKKI,
OFFICE OF SUPERINTENDENT OF POLICE, IDUKKI - 685 603.
10. DISTRICT POLICE CHIEF, KOTTAYAM,
OFFICE OF SUPERINTENDENT OF POLICE, KOTTAYAM-686 001.
11. DISTRICT POLICE CHIEF, KOCHI CITY,
OFFICE OF THE COMMISSIONER OF POLICE, KOCHI - 682 011.
12. DISTRICT POLICE CHIEF, KOCHI CITY - RURAL,
OFFICE OF THE COMMISSIONER OF POLICE, KOCHI - 682 031.
13. DISTRICT POLICE CHIEF, THRISSUR CITY,
OFFICE OF SUPERINTENDENT OF POLICE, THRISSUR-680 001.
14. DISTRICT POLICE CHIEF, THRISSUR RURAL,
OFFICE OF SUPERINTENDENT OF POLICE, THRISSUR - 680 001.
15. DISTRICT POLICE CHIEF, PALAKKAD,
OFFICE OF SUPERINTENDENT OF POLICE, PALAKKAD-678 001.
16. DISTRICT POLICE CHIEF, MALAPPURAM,
OFFICE OF SUPERINTENDENT OF POLICE, MALAPPURAM-676 505.
17. DISTRICT POLICE CHIEF, KANNUR,
OFFICE OF SUPERINTENDENT OF POLICE, KANNUR-670 001.
18. DISTRICT POLICE CHIEF, KOZHIKODE CITY,
OFFICE OF THE COMMISSIONER OF POLICE,
KOZHIKODE - 673 001.
19. DISTRICT POLICE CHIEF, KOZHIKODE RURAL,
OFFICE OF SUPERINTENDENT OF POLICE,
KOZHIKODE - 673 001.
20. FEDERATION OF MEDICAL & SALES REPRESENTATIVES
ASSOCIATION OF INDIA, HAVING ITS HEAD OFFICE AT
60-A, CHARU AVENUE, KOLKATTA - 700 033,
REPRESENTED BY ITS SECRETARY, A.K.BANARJEE.
21. KERALA MEDICAL & SALES REPRESENTATIVE ASSOCIATION,
CHITTOOR ROAD, BTR BHAVAN, CEMETERY JUNCTION,
AYYAPPANKAVU, KOCHI - 682 018,
REPRESENTED BY ITS SECRETARY, MOHAN.C.NAIR
22. BHARATHIYA MEDICAL AND SALES REPRESENTATIVES
ASSOCIATION (BMSRA), (REG.No.07-56/90), BMSRA
KERALA STATE COMMITTEE REPRESENTED BY ITS
DISTRICT SECRETARY, MR.AJITH KUMAR A.P.,
BMSRA, TRIVANDRUM - 695 001.

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23. GIREESH KUMAR K.G., TC 48/834, ERAKKATHUPUTHENVEEDU,
KUNCHIRAVILA, MANACAUD P.O.,
THIRUVANANTHAPURAM - 695 009.

R1 TO R19 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 30-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

jvt

APPENDIX

PETITIONER'S EXHIBITS :-

EXT.P1 :- TRUE COPY OF THE LETTER OF APPOINTMENT DATED 7.5.2007 OF 23RD RESPONDENT.

EXT.P2 :- TRUE COPY OF THE ORDER OF TRANSFER ISSUED TO RESPONDENT No.23 DATED 6.7.2015.

EXT.P3 :- TRUE COPY OF THE LETTER ISSUED BY RESPONDENT No.21 DATED 27.7.2015.

EXT.P3(a) :- TRUE COPY OF THE LETTER ISSUED BY RESPONDENT No.21 DATED 14.8.2015.

EXT.P3(b) :- TRUE COPY OF THE LETTER ISSUED BY RESPONDENT No.21 DATED 17.8.2015.

EXT.P4 :- TRUE COPY OF THE LETTER DATED 25.9.2015 ISSUED BY THE DISTRICT SECRETARY OF RESPONDENT No.22.

EXT.P5 :- TRUE COPY OF THE COMPLAINT DATED 31.7.2015 SUBMITTED BEFORE THE CITY POLICE COMMISSIONER, THIRUVANANTHAPURAM.

EXT.P5(a) :- TRUE COPY OF THE COMPLAINT DATED 21.8.2015 SUBMITTED BEFORE THE COMMISSIONER OF POLICE, COCHIN.

EXT.P5(b) :- TRUE COPY OF THE COMPLAINT DATED 16.10.2015 SUBMITTED BEFORE THE COMMISSIONER OF POLICE, COCHIN.

EXT.P5(c) :- TRUE COPY OF THE COMPLAINT DATED 17.10.2015 SUBMITTED BEFORE THE CITY POLICE COMMISSIONER, PATHANAMTHITTA.

EXT.P5(d) :- TRUE COPY OF THE COMPLAINT DATED 17.10.2015 SUBMITTED BEFORE THE CITY POLICE COMMISSIONER, KOLLAM.

EXT.P5(e) :- TRUE COPY OF THE COMPLAINT DATED 17.10.2015 SUBMITTED BEFORE THE CITY POLICE COMMISSIONER, THIRUVANANTHAPURAM.

EXT.P6 :- TRUE COPY OF THE FIR No.1140/2014 OF MEDICAL COLLEGE POLICE STATION, THIRUVANANTHAPURAM.

EXT.P6(a) :- TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P6.

EXT.P7 :- TRUE COPY OF THE ORDER OF INJUNCTION DATED 28.5.2015 OF THE MUNSIF COURT I, ERNAKULAM.

EXT.P8 :- TRUE COPY OF THE COMPLAINT PREFERRED BEFORE THE S.I OF POLICE, UDAYAMPEROOR POLICE STATION, UDAYAMPEROOR, DATED 18.8.2015.

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EXT.P9 :- TRUE COPY OF THE CHARGE-SHEET CUM NOTICE OF
ENQUIRY, DATED 1.10.2015 ISSUED TO 23RD RESPONDENT.

EXT.P10 :- TRUE COPY OF THE E-MAIL DATED 16.10.2015 ISSUED
BY THE 23RD RESPONDENT TO THE PETITIONER.

RESPONDENT'S EXHIBITS :- NIL.

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.32993 of 2015

Dated this the 30th day of October 2015

J U D G M E N T

Shaffique, J.

The petitioner is a Company, which has approached this Court seeking for police protection. The complaint of the petitioner is that the 23rd respondent was transferred from one branch to another and at his instance, respondents 20 to 22 Unions and their members are creating obstruction to the petitioner and its various establishments in and around the State and is also creating obstruction to the business of the company including supply of medicines. It is stated that being a Pharmaceutical Company, they have to supply life saving drugs to the needy patients and if such obstructive activities are being created, the petitioner will not be in a position to effectively supply medicines to hospitals and their entire business will be disrupted. Hence, the petitioner has approached this Court seeking for the following reliefs :-

- “(i) issue a writ of mandamus or any other appropriate writ, direction or order commanding respondents 1 to 19 to provide adequate and effective police protection to the officials and Managers of the petitioner to execute their duties at various headquarters in Kerala.

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- (ii) issue a direction or order commanding respondent No.20 to 23 not indulge in any anti organisational activities and or intimidating its members for any unlawful action, dharna, protests etc which will disturb the law and order situation of the State.
- (iii) issue a writ of mandamus or any other appropriate writ, order or direction, commanding respondents 2 to 19 to provide adequate and effective police protection to the officials of the petitioner from the illegal and criminal obstructions by the Respondents Nos.20 to 23."

2. Learned counsel for the petitioner submits that they have also filed a suit as O.S.No.628 of 2015 before the Munsiff's Court, Ernakulam and as per order dated 28.5.2015 in I.A. No.3648 of 2015, the respondents therein had been restrained from committing any waste in the plaint schedule property or obstructing the working of the plaintiff company until further orders. Learned counsel also submits that the functioning of the depot had been blocked by the representatives of respondents 20 to 22 and therefore, appropriate direction as prayed for may be issued.

3. Having heard the learned counsel for the petitioner and having regard to the nature of activity of the petitioner, we do not think that a direction as prayed for can be granted. The police can interfere only if there is any law and order situation or if there is any offence committed or attempt to commit offence. Since the

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prayer sought for is very wide in nature, which cannot be granted by this Court, we only observe that if there is any particular incident, in which, respondents 20 to 23 creates any obstruction to the functioning of the petitioner's establishment or attempt to commit any such offence, the petitioner can file a complaint to the concerned police station, who shall look into the matter and do the needful.

With the above observation, this writ petition is closed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**