

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 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C).No. 33704 of 2015 (K)

PETITIONER:

**CHACKO GEORGE, S/O.GEORGE, AGED 65,
KONDODIYIL HOUSE, UMBIDI POST,
THOTTACKADU, CHANGANASSERY,
KOTTAYAM DISTRICT.**

BY ADV. SRI.VINOD VALLIKAPPAN

RESPONDENT(S):

- 1. THE STATION HOUSE OFFICER,
CHANGANASERRY POLICE STATION,
CHANGANASERRY, KOTTAYAM DISTRICT - 686 102.**
- 2. THE DISTRICT LABOUR OFFICER,
OFFICE OF THE DISTRICT LABOUR OFFICER,
KOTTAYAM - 686001.**
- 3. THE KOTTAYAM DISTRICT MOTOR AND MECHANICAL
WORKERS UNION (CITU),
REPRESENTED BY ITS SECRETARY, P.J.VARGHESE,
CHANGANASERRY, KOTTAYAM - 686 101.**
- 4. BIJU SCARIA, PRESIDENT,
KOTTAYAM DISTRICT MOTOR AND MECHANICAL
WORKERS UNION (CITU),
CHANGANASSERRY, KOTTAYAM - 686 101.**

**R1 & R2 BY GOVT. PLEADER SRI.C.R.SYAMKUMAR
R4 BY ADV. SRI.SEBASTIAN JOSEPH (KURISUMMOOTTIL)**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1- TRUE COPY OF THE PERMIT IN RESPECT OF STAGE CARRIAGE
KL 33 9235 OF THE PETITIONER CONDUCTING SERVICE ON THE
ROUTE THOTTAKKADU HOSPITAL - CHANGANASSERY IN KOTTAYAM
DISTRICT.
- EXT.P2- TRUE COPY OF HTE AGREEMENT RESOLVING THE DISPUTE OF
TIMINGS REACHED BETWEEN THE VARIOUS STAGE CARRIAGE
OWNERS ON THE ROUTE OPERATED BY THE PETITIONER PRESIDED
OVER BY THE 4TH RESPONDENT WITHOUT ENGLISH TRANSLATION.
- EXT.P3- TRUE COPY OF THE NOITCE ISSUED BY THE 3RD RESPONDENT TO
THE PETITONER DATED 22.9.2013 WITH ENGLISH TRANSLATION.
- EXT.P4- TRUE COPY OF THE REPLY TO EXHIBIT P3 NOTICE SENT BY THE
PETIITONER WITH ENGLISH TRANSLATION.
- EXT.P5- TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT IN
RESPECT OF THE NOTICE OF LABOUR DISPUTE RAISED BY THE
4TH RESPONDENT WITH ENGLISH TRANSLATION.
- EXT.P6- TRUE COPY OF THEMPLAINT AND REQUEST FOR PROTECTION
SUBMITTED TO THE 1ST RESPONDENT DATED 28.9.2015 WITH
ENGLISH TRANSLATION.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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

W.P.(C) No.33704 of 2015

Dated this the 18th day of November 2015

J U D G M E N T

Shaffique, J.

This writ petition is filed seeking for police protection. It is inter alia alleged that the 4th respondent being the President of the 3rd respondent Union is demanding money every week as reward for having drafted an agreement. When the petitioner failed to pay the amount, the 4th respondent had started obstructing the operation of his stage carriage. Though complaint was filed before the police, no action has been taken in the matter. It is also stated that the claim of the 4th respondent is pending adjudication before the 2nd respondent.

2. Learned counsel appearing for the 4th respondent submits that the 4th respondent has not obstructed the functioning of the stage carriage in any manner, whereas, the issue is totally different. According to him, the petitioner's son had manhandled a person and a criminal case has been registered against him. It is to avoid the police taking action against him, this writ petition has been filed.

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3. Learned counsel for the petitioner submits that the 2nd respondent had already passed an order with reference to the claim made by the 4th respondent.

4. Having regard to the aforesaid factual situation, it is clear that the operation of the stage carriage cannot be objected by any person. Even according to the 4th respondent, he has not obstructed the operation of the stage carriage by the petitioner.

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

If there is any obstruction from respondents 3 and 4 in the matter relating to operation of the stage carriage by the petitioner, the first respondent shall ensure maintenance of law and order and also ensure that no such obstruction is being caused by respondents 3 and 4. This is however, without prejudice to any of the rights of the parties in the matter pending before the District Labour Officer.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE