

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

WP(C).No.34430 of 2014 (C)

PETITIONER:

**KALYAN SAREES,ASWINI JUNCTION,
KOVILAKATHUM PADAM,THRISSUR,
THRISSUR-680022,REPRESENTED BY ITS
MANAGING PARTNER T.S RAMACHANDRAN**

BY ADV. SRI.K.K.PREMALAL

RESPONDENTS:

- 1. ASAMGHATITHA MEGHALA THOZHILALI UNION,
STATE COMMITTEE,BIMBINO BUILDING,COURT ROAD,
KOZHIKODE,REPRESENTED BY ITS PRESIDENT,PIN-673 001.**
- 2. PADMINI S.K,NOCHUVALAPPIL HOUSE,
R.V PURAM P.O,KUTTUMUCK,THRISSUR-680631.**
- 3. RAJINI DASAN,VATTATHUPARAMBIL HOUSE,
PERINGAVU P.O,THRISSUR-680008.**
- 4. DEVI RAVI,PANIKKATH HOUSE,LALLOOR,
ELTHURUTH P.O,THRISSUR-680 611.**
- 5. P.MAYADEVI,PULLYATH HOUSE,KUTTUMUCK,
R.V.PURAM P.O,THRISSUR-680 631.**
- 6. BEENA SOJAN,KACHAPPAULLY HOUSE,
KOTTEKKAD,KUTTUR P.O,THRISSUR-680 013.**
- 7. ALPHONSA JOHNSON,ELUVATHINGAL HOUSE,
MANNUTHY P.O,THRISSUR-680 615.**
- 8. THE COMMISSIONER OF POLICE,
RAMAVARMAPURAM,THRISSUR.**
- 9. S.H.O,THRISSUR TOWN EAST POLICE STATION,
THRISSUR,PIN-680001.**

R1 TO R7 BY ADV. SRI.R.T.PRADEEP

R8 & R9 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONERS EXHIBITS:

EXHIBIT-P1:A TRUE COPY OF THE TRANSFER ORDER DATED 11-12-2014 ISSUED TO RESPONDENT NO.2.

EXHIBIT-P1(a): A TRUE ENGLISH TRANSLATION OF EXHIBIT P1.

EXHIBIT-P2:A TRUE COPY OF THE TRANSFER ORDER DATED 12-12-2014 ISSUED TO RESPONDENT NO.3.

EXHIBIT-P2(a):A TRUE ENGLISH TRANSLATION OF EXT.P2.

EXHIBIT-P3:A TRUE COPY OF THE TRANSFER ORDER DATED 11-12-2014 ISSUED TO RESPONDENT NO.4.

EXHIBIT-P3(a) A TRUE ENGLISH TRANSLATION OF EXHIBIT P3.

EXHIBIT-P4:A TRUE COPY OF THE TRANSFER ORDER DATED 11-12-2014 ISSUED TO RESPONDENT NO.5.

EXHIBIT-P4(a) A TRUE ENGLISH TRANSLATION OF EXHIBIT P4.

EXHIBIT-P5:A TRUE COPY OF THE TRANSFER ORDER DATED 11-12-2014 ISSUED TO RESPONDENT NO.6.

EXHIBIT-P5(a): A TRUE ENGLISH TRANSLATION OF EXHIBIT P5.

EXHIBIT-P6:A TRUE COPY OF THE TRANSFER ORDER DATED 11-12-2014 ISSUED TO RESPONDENT NO.7.

EXHIBIT-P6(a): A TRUE ENGLISH TRANSLATION OF EXHIBIT P6.

EXHIBIT-P7:A TRUE COPY OF THE COMPLAINT OF THE 1ST RESPONDENT DATED 12-12-2014 BEFORE DISTRICT LABOUR OFFICER,THRISSUR.

EXHIBIT-P7(a):A TRUE ENGLISH TRANSLATION OF EXHIBIT P7.

EXHIBIT-P8:A TRUE COPY OF THE EXPLANATION SUBMITTED BY THE PETITIONER DATED 16-12-2014 BEFORE THE DISTRICT LABOUR OFFICER,THRISSUR.

EXHIBIT-P9:A TRUE COPY OF THE COMPLAINT BEFORE THE 8TH RESPONDENT THE COMMISSIONER OF POLICE BY THE PETITIONER ON 12-12-2014.

EXHIBIT-P9(a):A TRUE ENGLISH TRANSLATION OF EXHIBIT P9.

EXHIBIT-P10:A TRUE COPY OF THE COMPLAINT DATED 15-12-2014 SUBMITTED TO THE 9TH RESPONDENT BY THE PETITIONER.

RESPONDENTS EXHIBITS:

NIL

//TRUE COPY//

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

W.P.(C) NO.34430 of 2014

Dated this the 10th day of February, 2015

JUDGMENT

Shaffique, J.

This writ petition has been filed seeking police protection. It is *inter alia* submitted that the petitioner, a partnership firm, is conducting textile business in various parts of the State. The management issued transfer orders to Respondents Nos.2 to 7, on certain issues relating to the management of the textile shop. The Respondents Nos. 2 to 7 with the assistance of 1st Respondent Union, thereafter started obstructing the functioning of the textile shop by obstructing the willing workers and other staff to enter the premises. Though the petitioner had approached the police, no action was taken by the police to prevent the obstruction caused by Respondents Nos.1 to 7. Hence, the petitioner has approached this Court, seeking police protection.

2. The Respondents Nos.1 to 7 appeared through counsel. It is submitted that Respondents Nos.2 to 7 are lady

workers engaged by the petitioner and they were unnecessarily transferred to other places. According to the respondents, they are not creating any obstruction, they are only demonstrating on the opposite side of the premises in question.

3. The learned counsel for the petitioner submits that an attempt had been made to resolve the matter, but nothing materialised. That apart, on the complaint given by the Respondents Nos.2 to 7, the District Labour Officer had convened a conciliation meeting and the matter has been referred to the Industrial Tribunal.

4. The learned State Attorney has filed a counter affidavit *inter alia* stating that police men were deployed in front of the establishment during working hours to ensure smooth functioning of the establishment and to prevent Respondents 1 to 7 from causing any obstruction. It is further stated that the agitators are on strike and they have put up a shed on the opposite side of the road, away from the entrance of the establishment and the agitation is going on peacefully.

5. We have already passed an interim order on 18.12.2014, directing the 9th Respondent to ensure sufficient

police protection in the matter relating to the functioning of the shop and to ensure that no obstruction or law and order situation is created by Respondents 1 to 7 or their men.

6. Having regard to the aforesaid factual situation, it is clear that there is a dispute between the Respondents Nos.1 to 7 and the petitioner and being a labour issue, there is some possibility of the issue becoming volatile subsequently.

7. Under such circumstances, there will be a direction to the 9th Respondent to ensure that law and order situation is maintained and no obstruction is caused to the functioning of the petitioner's shop. It is open for Respondents 1 to 7 to take up their claim/dispute before the District Labour Officer or other statutory authority, in accordance with law.

The writ petition is disposed of as above.

Sd/-
ASHOK BHUSHAN,
ACTING CHIEF JUSTICE.

Sd/-
A.M. SHAFFIQUE,
JUDGE.

//true copy//

P.S. To Judge

st/-