

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 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

WP(C).No. 35200 of 2014 (Y)

PETITIONERS:

1. THE KUTTANAD RUBBER CO. LTD.,
REGISTERED OFFICE AT KELACHANDRA NAGAR,
CHINGAVANAM P O, KOTTAYAM-686531,
REP. BY ITS EXECUTIVE DIRECTOR, JOSPH THOMAS,
S/O.K.J THOMAS, AGED 37.
2. JOSEPH THOMAS, S/O.K.J THOMAS, AGED 37,
EXECUTIVE DIRECTOR, RESIDING AT
PAZHOOHADAM ESTATE, PARATHODE P.O,
KANJIRAPPALLY, PIN-686512.
3. BECHU KURUVILA, S/O.LATE P.C KURUVLA,
AGED 42, MANAGER, RESIDING AT
PAZHOOHADAM ESTATE, PARATHODE P.O,
KANJIRAPPALLY, PIN-686512.

**BY SRI.S.SREEKUMAR (SENIOR ADVOCATE)
ADVS. SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA**

RESPONDENT(S):

1. THE DISTRICT POLICE CHIEF,
KOTTAYAM, PIN-686001.
2. THE DEPUTY SUPERINTENDENT OF POLICE,
KANJIRAPPALLY , PIN-686507.
3. THE INSPECTOR OF POLICE,
KANJIRAPPALLY-686507.
4. THE SUB INSPECTOR OF POLICE,
KANJIRAPPALLY-686507.

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5. K T U C(M),
KERALA PLANTATION WORKERS UNION,
REG NO. 05/06 OF 1995, ELIKULAM P.O,
KOTTAYAM, PIN-686577, REPRESENTED
BY ITS RESIDENT MR.OOMMACHAN.
6. THIRU -COCHI THOTTAM THOZHILALI UNION(TCTTU),
AFFILIATED TO INTUC, REG NO 280/70,
H O MUNDAKKAYAM-686513, REPRESENTED BY
ITS GENERAL SECRETARY MR.K.K.JANARDHANAN
7. THIRU-COCHI THOTTAM THOZHILALI CONGRESS(TC TTC),
AFFILIATED TO INTUC, REG.NO 05/06/05,
MUNDAKKAYAM P.O, KOTTAYAM-686513,
REPRESENTED BY GENERAL SECRETARY,
MR.THOMMAN KALLADAN.
8. HIGH RANGE ESTATE EMPLOYEES ASSOCIATION.
(AFFILIATED TO CITU), REG NO 98/51,
MUNDAKKAYAM P.O, 686513,
REPRESENTED BY ITS SECRETARY.
9. SABU FRANCIS, CHERUKUNNEL HOUSE,
PARATHODE.P.O., PIN - 686 512.
10. M.S.MOHANAN, METTUMPURATHU HOUSE,
PARATHODE.P.O., PIN 686 512.
11. SHAJI.A.M, AMMUKUNNEL HOUSE,
PARATHODE.P.O., PIN 686 512.
12. SURESH.A, CONVENOR, K.T.U.C.(M),
PAZHOOOTH ESTATE, PARATHODE.P.O., PIN 686 512.
13. JOHNYKUTTY ABRAHAM, MADATHINAKATHU HOUSE,
CHIRABHAGAM, PARATHODE.P.O., PIN 686 512.
14. THE REGIONAL JOINT LABOUR COMMISSIONER,
ERNAKLAM, PIN - 682 031.

R1 TO R4 & R14 BY SENIOR GOVT. PLEADER SRI.C.R.SYAMKUMAR
R5 & R9 TO R13 BY ADVS. SRI.SHAJI THOMAS
SRI.BINU PAUL
SRI.T.V.VINU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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WP(C).No. 35200 of 2014 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1:- TRUE COPY OF DETAILS OF THE EMPLOYEES IN PAZHOOHADAM ESTATE.
- P2:- TRUE COPY OF NOTICE DTD 2/12/2014 ISSUED BY REGIONAL JOINT LABOUR COMMISSIONER, ERNAKULAM WITH ENGLISH TRANSLATION.
- P3:- TRUE COPY OF FIR IN CRIME NO 1433/2014 DTD 11/12/2014 OF KANJRAPPALLY POLICE STATION WITH ENGLISH TRANSLATION.
- P4:- TRUE COPY OF MEMO OF CHARGES ISSUED TO SABU FRANCIS WITH ENGLISH TRANSLATION.
- P5:- TRUE COPY OF MEMO OF CHARGES ISSUED TO M.S MOHANAN WITH ENGLISH TRANSLATION.
- P6:- TRUE COPY OF MEMO OF CHARGES ISSUED TO A M SHAJU WITH ENGLISH TRANSLATION.
- P7:- TRUE COPY OF LETTER DTD NIL ISSUED BY THE 12TH RESPONDENT TO THE 3RD PETITIONER WITH ENGLISH TRANSLATION.
- P8:- TRUE COPY OF COMPLAINT FILED BY THE 2ND PETITIONER BEFORE THE 1ST RESPONDENT WITH ENGLISH TRANSLATION.
- P9:- TRUE COPY OF RECEIPT DTD 15/12/2014 ISSUED BY 1ST RESPONDENT ACKNOWLEDGING THE RECEIPT OF EXT P8 COMPLAINT 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.35200 of 2014

Dated this the 9th day of December 2015

J U D G M E N T

Shaffique, J.

The petitioners have approached this Court seeking for police protection alleging that respondents 5 to 13 are creating obstruction in the functioning of a rubber estate under the name 'Pazhoothadam Estate'.

2. According to the petitioners, at the instance of the 5th respondent Union, respondents 6 to 12 are preventing to carry on the work in the Estate. A crime has been registered as Crime No.1433 of 2014 in respect of certain offences committed by some of the private respondents. Though a complaint was given to the police seeking protection, no action was taken in the matter and therefore, this writ petition is filed.

3. Counter affidavit has been filed by respondents 5 and 9 to 13 inter alia stating that they have not created any obstruction or threat as alleged. It is stated that a woman worker was attacked by a person at the instance of the petitioners, for which, a crime has been registered and contrary allegation that the respondents were physically preventing the functioning of the Estate was absolutely baseless.

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4. Learned Government Pleader on instructions would submit that during the pendency of the writ petition, no untoward incident has been reported.

Hence, we close the writ petition in the light of the interim order already passed by this Court on 20.12.2014.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE