

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

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

WP(C).No. 35245 of 2014 (E)

PETITIONER(S) :-

1. SOUMYA AACHI THOMAS, PROPRIETRIX, M.S.ESTATES, YEROOR VILLAGE
PATHANAPURAM, KOLLAM THROUGH HER POWER OF ATTORNEY THOMAS JACOB.
2. SNEHAN GEORGE THOMAS, PROPRIETOR, M.S.ESTATE, YEROOR VILLAGE
PATHANAPURAM, KOLLAM THROUGH HIS POWER OF ATTORNEY THOMAS JACOB.
3. THOMAS GEORGE, PROPRIETOR, MS ESTATE, YEROOR VILLAGE
PATHANAPURAM, KOLLAM THROUGH HIS POWER OF ATTORNEY THOMAS JACOB.
4. SUSAN JACOB, PROPRIETRIX, M.P.ESTATE, YEROOR VILLAGE
PATHANAPURAM, KOLLAM.
5. THOMAS JACOB, S/O. M.JACOB THOMAS, MUNDAPPALLI MEDAYIL
KAVUMBHAGOM VILLAGE, THIRUVALLA TALUK.

BY ADVS.SMT.A.K.PREETHA
SRI.C.ANIL KUMAR

RESPONDENT(S) :-

1. SUB INSPECTOR OF POLICE, YEROOR POLICE STATION, KOLLAM-691 312.
2. COMMUNIST PARTY OF INDIA (LOCAL COMMITTEE)
CPI OFFICE, YEROOR, KOLLAM-691 312 REPRESENTED BY ITS SECRETARY.
3. RAVEENDRAN PILLAI, S/O. RAGHAVAN PILLAI, CHARUVILA PUTHEN VEEDU
YEROOR VILLAGE, BHARATHIPURAM P.O., PATHANAPURAM TALUK - 691 330.
4. LEELA RAVEENDRAN, W/O. RAVEENDRAN PILLAI, CHARUVILA PUTHEN VEEDU
YEROOR VILLAGE, BHARATHIPURAM P.O., PATHANAPURAM TALUK-691 330.

R2-R4 BY ADV. SRI.R.SURAJ KUMAR
SRI.SUNIL J.CHAKKALACKAL
SMT.V.BEENA
SMT.V.DEEPA

R1 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-03-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :-

P1 : COPY OF THE PLAINT IN OS 18/2014 ON THE FILE OF MUNSIFF COURT,
PUNALUR.

P2 : COPY OF THE JUDGMENT PASSED BY THE HON'BLE HIGH COURT OF KERALA IN WPC
NO.8416/2014, DTD.2.4.2014.

P3 : COPY OF THE REPRESENTATION SUBMITTED BY THE 5TH PETITIONER TO THE 1ST
RESPONDENT ALONG WITH THE RECEIPT.

P4 : COPY OF THE WRITTEN STATEMENT IN O.S.18/2014 ON THE FILES OF MUNSIFF
COURT, PUNALUR.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.35245 of 2014

Dated this the 6th day of March 2015

J U D G M E N T

Shaffique, J.

The petitioners claim to be the owners in possession of an extent of 30 Acres of agricultural land which they have obtained as per separate sale deeds. The petitioners submit that respondents 3 and 4 were engaged as workers in the Estate. They were also provided accommodation in a portion of the Estate bungalow. However, after the 3rd respondent attaining the age of superannuation, his service was terminated. The service of the 4th respondent was also terminated. The respondents 3 and 4 had filed a petition before the Deputy Labour Officer and conciliation proceedings are pending. In the mean time, the petitioners had earlier approached this Court by filing W.P.(C) No.8416 of 2014 seeking for necessary police protection. This Court observed that the issue involved is in the form of a civil dispute which cannot be resolved by the intervention of police. However, there was a direction that law and order is to be maintained.

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2. The petitioners now contended that a civil suit is pending as O.S.No.18 of 2014, wherein, the first petitioner has sought for a recovery of possession of the portion of the building, which is occupied by the 3rd respondent. It is further contended that on 20.12.2014, when the 4th petitioner along with the 5th petitioner and workers reached the work site at about 10 a.m., they were not permitted to carry on the agricultural operations in the property. They were obstructed by respondent Nos.3 and 4 at the instance of the 2nd respondent, who arrived there immediately. On account of the said threat, the petitioners were unable to carry on any agricultural activities in the Estate. The 5th petitioner submitted Ext.P3 representation to the first respondent seeking for adequate police protection to enable the petitioners to carry on agricultural activities in the Estate and since no action has been taken in the matter, they have approached this Court.

3. A counter affidavit has been filed by respondent Nos.2 to 4 inter alia stating that the petitioners are not entitled to any order from this Court as the issue has already been decided in the earlier writ petition. Further it is stated that the right of respondents 3 and 4 has not been properly adjudicated and they are entitled to work in the Estate and is residing in a portion of

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the building, which had been allotted to them. The termination of their service is wrongful. It is further stated that they are not doing any illegal act in the Estate.

4. Having regard to the aforesaid factual situation, it is clear that the respondents 3 and 4 claim to be in employment of the Estate and they have a contention that termination of their service is bad in law. They have already taken up the matter before the Deputy Labour Officer, which is pending consideration. If they have any right to continue in service, despite the order of termination by the management, the rights are well protected as they have an efficacious remedy to approach the labour authorities/Labour Court to seek necessary reliefs.

5. In regard to their right to occupy portion of the building, which is now in their occupation, the matter is pending before the civil court, which is required to be decided by the civil court itself.

6. As far as the right of the petitioners to carry on the agricultural operations in the Estate with any person engaged by them is concerned, the same cannot be obstructed by respondents 2 to 4. If they are creating any such obstruction, the first respondent is duty bound to ensure that no such illegal

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obstruction is being created by respondents 2 to 4.

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

The first respondent is directed to ensure that no illegal obstruction is being created by respondents 2 to 4 or their men in the matter relating to agricultural activities carried on by the petitioners in the Estate, through the workers of their choice.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE