

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

WP(C).No. 36098 of 2015 (J)

PETITIONER :

**M/S.RATAN PLANTATIONS LIMITED,
REGD.OFFICE AT PENTA TOWER, 6TH FLOOR,
KALOOR, KOCHI AND ESTATE AT K.CHAPPATH
IDUKKI DISTRICT, KERALA - 685 506
REPRESENTED BY ITS ASST. GENERAL MANAGER
MR.N.RAJENDRAN.**

**BY SENIOR ADVOCATE SRI.JOSEPH KODIANTHARA
BY ADVS.SRI.V.ABRAHAM MARKOS
SMT.SREEHARI VADUKUMCHERY
SRI.BINU MATHEW
SRI.TOM THOMAS (KAKKUZHIYIL)
SRI.ABRAHAM JOSEPH MARKOS
SRI.ISAAC THOMAS
SRI.NOBY THOMAS CYRIAC**

RESPONDENT(S) :

- 1. THE SUPERINTENDENT OF POLICE,
PAINAVU, IDUKKI DISTRICT - 685 603.**
- 2. THE DY. SUPERINTENDENT OF POLICE,
KATTAPPANA, IDUKKI DISTRICT - 685 508.**
- 3. THE CIRCLE INSPECTOR OF POLICE,
PEERMADE, IDUKKI DISTRICT - 685 531.**
- 4. THE SUB INSPECTOR OF POLICE,
UPPUTHARA, IDUKKI DISTRICT - 685 505.**
- 5. MALANADU PLANTATION EMPLOYEES UNION,
CITU, PULIYANMALA, IDUKKI DISTRICT - 685 515
REPRESENTED BY ITS GENERAL SECRETARY
MR. P. GOPI.**

6. KERALA PLANTATIONS WORKERS' UNION (INTUC),
VANDIPERIYAR, IDUKKI DISTRICT - 685 533
REPRESENTED BY ITS SECRETARY MR.S.N.BHASKARAN.

7. HIGH RANGE PLANTATIONS EMPLOYEES UNION (INTUC),
ELAPPARA, IDUKKI DISTRICT - 685 501
REPRESENTED BY ITS SECRETARY MR.P.N.JOY.

8. HIGH RANGE EMPLOYEES UNION (AITUC),
PEERMADE P.O.- 685 531
REPRESENTED BY ITS GENERAL SECRETARY
MR.VAZOOR SOMAN.

9. THE REGIONAL JOINT LABOUR COMMISSIONER,
ERNAKULAM - 682 030.

R1 TO R4 & R9 BY STATE ATTORNEY SRI. P. VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Mn

...3/-

WP(C).No. 36098 of 2015 (J)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1: TRUE COPY OF SETTLEMENT DATED 23/10/2014 BEFORE THE REGIONAL JOINT LABOUR COMMISSIONER, ERNAKULAM (WITH ENGLISH TRANSLATION).
- EXT.P2: TRUE COPY OF THE COMPLAINT DATED 03/11/2015 FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT WITH COPY TO THE 3RD RESPONDENT, 2ND RESPONDENT AND TO THE 1ST RESPONDENT.
- EXT.P3: TRUE COPY OF LETTER DATED 03/11/2015 ISSUED BY THE PETITIONER TO THE 9TH RESPONDENT.
- EXT.P4: TRUE COPY OF LETTER DATED 03/11/2015 ISSUED BY THE PETITIONER TO THE GENERAL SECRETARY OF THE 7TH RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

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

W.P.(C)No.36098 of 2015

Dated this the 30th day of November, 2015.

J U D G M E N T

SHAFFIQUE, J.

The petitioner is a Public Limited company having plantation which consists of two estates, principally planted with tea. It is submitted by the learned counsel for the petitioner that since enough workers were not available in his work place, the petitioner had employed outside workers and such action instigated respondents 5 to 8 Unions and they had obstructed the functioning of the estates. It is submitted that the petitioner is unable to carry on the functioning of the estates on account of the obstruction created by respondents 5 to 8 and their men.

2. The learned Government Pleader on instructions would submit that on receiving a complaint from the petitioner, respondents 5 to 8 were summoned and they have agreed in writing that they will not create any

obstruction in the functioning of the estates.

3. The facts being so, we do not think that any direction as sought for is required to be passed at this stage. We only observe that, if there is any further obstruction from the side of respondents 5 to 8 or their men, it shall be open for the petitioner to prefer appropriate complaint before the police and the police authorities shall look into the matter and do the needful.

With the above observation, we close this writ petition.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A. to Judge