

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 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C).No. 36410 of 2015 (A)  
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PETITIONER :  
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UDAYAKUMAR, AGED 48 YEARS  
S/O. KUNJU KRISHNA PILLAI, RESIDING AT PERUMAN HOUSE  
KALLYAL P.O., KOTTOR, MANNUKARA VILLAGE  
KATTAKADA, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.M.R.SASITH

RESPONDENTS :  
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1. SUPERINTENDENT OF POLICE  
THIRUVANANTHAPURAM RURAL-695 001.
2. SUB INSPECTOR OF POLICE  
NEYYARDAM POLICE STATION, THIRUVANANTHAPURAM-695 001.
3. ASSISTANT LABOUR OFFICER  
ASSISTANT LABOUR OFFICE, NEDUMANGAD  
THIRUVANANTHAPURAM-695 001.
4. DISTRICT LABOUR OFFICER  
LABOUR BHAVAN, VIKAS BHAVAN, THIRUVANANTHAPURAM.
5. KERALA HEAD LOAD WORKERS WELFARE FUNDS BOARD  
THIRUVANANTHAPURAM DISTRICT COMMITTEE  
REPRESENTED BY ITS CHAIRMAN  
KERALA LABOUR WELFARE FUNDS BOARDS BUILDING  
VANCHIYOOR-695 001.
6. CONVENER  
CENTRE OF INDIAN TRADE UNION  
KUTTICAL UNIT (CITU) KUTTICAL P.O.  
THIRUVANANTHAPURAM-695 001.
7. CONVENER  
INDIAN NATIONAL TRADE UNION, CONGRESS (INTUC)  
KUTTICAL UNIT, KUTTICAL P.O.  
THIRUVANANTHAPURAM-695 001.

8. CONVENER  
BHARATIYA MAZDOOR SANGH (BMS), KUTTICAL UNIT  
KUTTICAL P.O., THIRUVANANTHAPURAM-695 001.
9. CONVENER  
HINDU MAZDOOR SANGH (HMS), KUTTICAL UNIT  
KUTTICAL P.O., THIRUVANANTHAPURAM-695 001.
10. CONVENER  
UNITED TRADE UNION CONGRESS (UTUC), KUTTICAL UNIT  
KUTTICAL P.O., THIRUVANANTHAPURAM-695 001.
11. CONVENER  
UNITED TRADE UNION CONGRESS (UTUC), THANNIMOODU UNIT  
THIRUVANANTHAPURAM-695 001.
12. CONVENER  
INDIAN NATIONAL TRADE UNION CONGRESS (INTUC)  
THANNIMOODU UNIT, THIRUVANANTHAPURAM-695 001.

R1 TO R4 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR.  
R5 BY SRI.C.S. AJITH PRAKASH, SC, KHWWB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
02-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :  
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EXHIBIT P1 - COPY OF THE PETITION DATED 28-10-2015 FILED BY THE PETITIONER  
BEFORE THE 3RD RESPONDENT.

EXHIBIT P1A- TRUE ENGLISH TRANSLATION OF EXHIBIT P1.

EXHIBIT P2 - COPY OF THE LETTER NO. 908/2015 DATED 3-11-2015 OF THE  
3RD RESPONDENT TO THE 2ND RESPONDENT.

EXHIBIT P2A - TRUE ENGLISH TRANSLATION OF EXHIBIT P2.

EXHIBIT P3 - COPY OF LETTER N O. G2/9813/15 DATED 20-11-2015 ISSUED  
BY THE 4TH RESPONDENT.

EXHIBIT P3A - TRUE ENGLISH TRANSLATION OF EXHIBIT P3.

EXHIBIT P4 - COPY OF PETITION DAETD 25-11-2015 FILE BY THE PETITIONER  
BEFORE THE 2ND RESPONDENT.

EXHIBIT P4A - TRUE ENGLISH TRANSLATION OF EXHIBIT P4.

RESPONDENTS' EXHIBITS :  
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NIL

/TRUE COPY/

PA TO JUDGE

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

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W.P.(C) No. 36410 OF 2015  
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Dated this the 2<sup>nd</sup> day of December, 2015

**JUDGMENT**

**Shaffique, J.**

The petitioner has approached this Court seeking police protection. It is stated that he had entered into an agreement with one Sabiya Beevi for cutting and removing of 200 rubber trees from her property. It is stated that at the time when the trees were to be loaded for transportation, certain disputes had arisen between local Trade Unions which are having units at Thachancode and Kuttichal and the matter was considered by competent authority and ultimately, as per Ext.P2 order, the Assistant Labour Officer had after notice to the stake holders found that the owner of the property is entitled to engage employees of her choice.

2. Thereafter the matter was taken up to the District Labour Officer, Thiruvananthapuram who ultimately found that the Kuttichal Unit has the right for Erumakkuzhi area in Kuttichal Panchayat and the members of the Thannimoodu Unit shall do the loading and unloading works in the area from Karimpathanpara to Thachancodu Junction as included in their

identity card. Therefore both the parties shall do the work as per the area fixed by the competent authority.

3. Having regard to the fact that the District Labour Officer has already passed appropriate orders in the matter and if there is still obstruction from any of the Unions/Units in that regard, it is for the police to render necessary protection to the petitioner enabling him to load and transport rubber wood.

In the result, this writ petition is disposed of as under:

The 2<sup>nd</sup> respondent shall ensure maintenance of law and order in the matter relating to loading and transporting of rubber trees from the property in question, subject to the condition that petitioner complies with the directions issued by the District Labour Officer. If any of the respondents has any issue in the matter, it has to be taken up before the District Labour Officer.

**Ashok Bhushan,  
Chief Justice.**

**A.M. Shaffique,  
Judge.**