

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

WP(C).No. 38539 of 2015 (N)

PETITIONER(S):

B.BINDUMADHAV,
MANAGING PARTNER,
BHIMA JEWELA,
JEWEL JUNCTION, M.G. ROAD, ERNAKULAM

BY ADV. SRI.K.K.PREMALAL

RESPONDENT(S):

1. VANIJYA VYAVASAYA MAZDOOR SANGAM (BMS),
THODUPUZHA, OPPOSITE PRESS CLUB, IDUKKI DISTRICT.
REPRESENTED BY ITS GENERAL SECRETARY, SIBI VARGHESE, PIN - 685 585.
2. THE S.H.O,
JAN MYTHRI POLICE STATION KOTTAYAM WEST,
KOLLAM -THENI HIGHWAY, KODIMATHA,
KOTTAYAM, KERALA - 686 001.

R2 BY STATE ATTORNEY SRI. P. VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1 : A TRUE COPY OF THE CERTIFICATE OF REGISTRATION UNDER KERALA
VALUE ADDED TAX RULES DATED 7.5.2007 ISSUED TO THE FIRM.

EXHIBIT P2: THE TRUE COPY OF THE ACKNOWLEDGMENT OF REGISTRATION OF THE
FIRM BHIMA JEWELS DATED 25.9.1995

EXHIBIT P3 : A TRUE COPY OF THE COMPLAINT DATED 16.2.2015 FILED BEFORE THE
RESPONDENT NO.2

RESPONDENT'S EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

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

**W.P.(C) Nos.38539, 38548 &
38549 of 2015**

Dated this the 18th day of December 2015

J U D G M E N T

Shaffique, J.

These three writ petitions have been filed by the common petitioner seeking for necessary police protection for the independent units at Kottayam, branch at Vyttila Bye-pass Road and M.G.Road at Ernakulam. It is alleged that on account of financial reasons, a unit at Thodupuzha, which was an independent shop room, had to be closed down. The issue relating to closure of the said shop room had been taken up by the first respondent and their men and they have been demanding that the Thodupuzha shop room should be opened. Strike and demonstration have also been conducted for the said purpose in front of the Thodupuzha shop room.

2. The petitioner now apprehends that the first respondent and their men may try to obstruct the functioning of the other units at Kottayam as well as at Ernakulam and therefore, apprehending that such obstruction may be caused, a complaint has been given to the police for necessary protection. Since the petitioner apprehends that the police may not act appropriately, this writ petition has been filed.

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3. Learned State Attorney on instructions would submit that based on the complaint given by the petitioner, an enquiry was conducted and it is noticed that as the matter stands now, there is no threat as alleged by the petitioner. The petitioner has filed this writ petition apprehending that there might be some obstruction from the side of the first respondent in the matter relating to functioning of the establishments by the petitioner.

4. Be that as it may, if there is any physical obstruction from the first respondent or any other person in the matter relating to functioning of the petitioner's establishments and if any law and order situation is created, it is the duty of the police to ensure maintenance of law and order and also ensure free ingress and egress to the petitioner's establishments. If any such situation arises, it shall always be open for the petitioner to approach the police, in which event, the police shall look into the matter and do the needful.

With the above observation, these writ petitions are closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE