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Gopakumar Vs. State of Kerala

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Court : Kerala

Decided On : Jul-26-2013

Judge : Honourable Mr.Justice S.S.Satheesachandran

Appellant : Gopakumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE S.SIRI JAGAN & THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN FRIDAY, THE 26TH DAY OF JULY 2013 4TH SRAVANA, 1935 WP(C).No. 16527 of 2013 (M) ---------- PETITIONERS: ---------- 1. GOPAKUMAR "SREEKRISHNA BHAVAN" TALLACHIRA VALIYA VENGOD VITHURA VILLAGE, NEDUMANGAD.

2. UDAYAKUMAR "TALLACHIRA KUNNAMPURATH VEEDU" VITHURA VILLAGE, NEDUMANGAD.

3. SHIBU, VALIYA VENGOD KUNNUMPURATH VEEDU VITHURA VILLAGE, NEDUMANGAD.

4. BABU, SHIJI BHAVAN, PONPARA, VITHURA VILLAGE NEDUMANGAD. BY ADV. SRI.BASANT BALAJI RESPONDENTS: ---------- 1. STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT HOME DEPARTMENT, GOVERNMENT SECRETARIAT THIRUVANANTHAPURAM

001.

2. THE DEPUTY SUPERINTENDENT OF POLICE NEDUMANGAD, THIRUVANANTHAPURAM

541.

3. THE CIRCLE INSPECTOR OF POLICE PALODE, THIRUVANANTHAPURAM

541.

4. THE SUB INSPECTOR OF POLICE PALODE POLICE STATION, PALODE THIRUVANANTHAPURAM

541.

5. NIZAMUDEEN PANGOD PAZHAVILTHADATTARIKATHU VEEDU PANGODE VILLAGE, NEDUMANGAD, TRIVANDRUM-695 541. Contd.....2 WPC NO. 16527/2013 -2- 6. RETHNAKARAN PRASHANTH BHAVAN, MELALA VALIYA VENGOD VITHURA VILLAGE, NEDUMANGAD THIRUVANANTHAPURAM

541.

7. MURALEEDHARAN NAIR CHITRA BHAVAN, MELALA VALIYA VENGOD, VITHURA VILLAGE NEDUMANGAD, THIRUVANANTHAPURAM

541.

8. SURESH KUMAR DEEPA BHAVAN, MELALA VALIYA VENGOD, VITHURA VILLAGE NEDUMANGAD, THIRUVANANTHAPURAM

541. BY Sr. GOVERNMENT PLEADER SRI. P.A. MUHAMMED SHAH THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26-07-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 16527 of 2013 (M) APPENDIX PETITIONERS' EXHIBITS ---------- P1- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE THE 4TH RESPONDENT. P1(A)- TRUE COPY OF THE ENGLISH TRANSLATION OF THE REPRESENTATION SUBMITTED BY THE

PETITIONERS. RESPONDENT(S)' EXHIBITS ---------- NIL // TRUE COPY // P.A. TO JUDGE SD S.SIRI JAGAN & K.RAMAKRISHNAN, JJ.

---------- W.P.(C) No. 16527 of 2013 ----------

Dated this the 26th day of July, 2013

JUDGMENT

K.SIRI JAGAN, J.

The 1st petitioner entered into an agreement with the 5th respondent for slaughter tapping of 1050 rubber trees standing in the property of the 5th respondent. The 1st petitioner later entered into three other agreements with petitioners 2 to 4 for slaughter tapping of the very same trees with the consent of the 5th respondent. The period of tapping is 30 months. When the petitioners were getting the tapping done through workers engaged by them, respondents 4 to 6 trespassed into the said property on 27.05.2013 and 28.05.2013 and obstructed the petitioners and their workmen from doing slaughter tapping work, demanding "Nookku Kooli". According to the petitioner, there is no head load work going on in the property and only tapping work is being done. Tapping work can be done only by workers trained for that purpose. Although the petitioners sought police help to avert the obstruction by respondents 5 to 8, the police did not oblige on the ground that it is a labour dispute. It is under the above W.P.(C) No. 16527 o

2. circumstances, the writ petition has been filed by the petitioner seeking the following reliefs: "1) Issue a Writ of mandamus or any other appropriate Writ, Order of Direction, commanding the respondents to afford adequate Police Protection to the life and liberty of the petitioner's and their trained worker's in doing the Slaughter tapping in Sy No's 1379, 1380, 1381, 1384 and 1390 in tholikode Village from respondents 6 to 8 and their men.

2) Issue a Writ of mandamus or any other appropriate Writ, Order or Direction, commanding the respondents 2 to 4 to register cases against the respondents 6 to 8 for threatening and obstructing the petitioner's and their workers." 2. The learned Government Pleader would submit that according to his information the parties have settled their disputes among themselves, insofar as the respondents 5 to 8

have told the police that they are not obstructing the work and they will approach authorities under the Industrial Disputes Act or the Head Load Workers Act for redressel of their grievances. Although notices have been issued to the respondents 5 to 8, they have not chosen to enter appearance and contest the matter. In the writ petition, the petitioner has sought for an interim relief as follows: "For the reasons stated in the writ petition, it is humbly prayed that this Hon'ble court may be pleased to direct the respondents 2 to 4 to afford adequate police protection to the life and liberty of the petitioner's and their trained worker's in doing the Slaughter tapping in Sy. No's 1379, 1380, 1381, 1384 and 1390 in Tholikode Village from respondents 6 to 8 and their men." W.P.(C) No. 16527 o

3. We passed an interim order on 18/7/2013 as follows: "Despite service of notice on respondents 5 to 8, they have not chosen to enter appearance to contest the matter. The petitioner presses for an interim order. Heard on interim orders. There would be an interim order as prayed for." Insofar as the respondents 5 to 8 have not chosen to enter a appearance to contest the matter, we are satisfied that the writ petition itself can be disposed of in terms of the interim order. Ordered accordingly. Sd/- S.SIRI JAGAN, JUDGE Sd/- K.RAMAKRISHNAN, JUDGE jm/

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