

Sareeb (Shareef) Vs. the District Superintendent of Police

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Court : Kerala

Decided On : May-30-2014

Judge : Hon'Ble the Chief Justice Dr. Manjula Chellur

Appellant : Sareeb (Shareef)

Respondent : The District Superintendent of Police

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HON'BLE THE CHIEF JUSTICE DR. MANJULA CHELLUR & THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON FRIDAY, THE 30TH DAY OF MAY 2014 9TH JYAISHTA, 1936 WP(C).No. 13606 of 2014 (A)
----- PETITIONER : ----- SAREEB (SHAREEF), S/O ABDUL RAZACK, ARIYANCODE HOUSE, VEMBALLOR P.O., ETHANUR, CHITTUR, PALAKKAD. BY ADVS.SRI.G.PRABHAKARAN SRI.P.SANTHOSH KUMAR (TR) RESPONDENT(S): -----

1. DISTRICT SUPERINTENDENT OF POLICE, PALAKKAD -678 014
2. THE CIRCLE INSPECTOR OF POLICE, NENMARA, PALAKKAD -678 508
3. THE SUB INSPECTOR OF POLICE, NENMARA, PALAKKAD- 678 508
4. THE GENERAL SECRETARY, PALAKKAD DISTRICT MOTOR & AUTORIKSHA MAZDOOR SANGAM (BMS), HARIKKARA STREET, PALAKKAD-

5. SENTHILKUMAR, S/O KANTHASWAMI, THOTTAPPURA HOUSE, PAYYALUR, KOLLENGODE, PALAKKAD- 678 506 R1 TO R3 BY SR GOVERNMENT PLEADER SRI.P.I.DAVIS THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON3005-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: sts WP(C).No. 13606 of 2014 (A)

----- APPENDIX PETITIONER(S)' EXHIBITS

----- EXHIBIT P1 TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER, PERMIT NO P. ST.9/415/1997 ON THE ROUTE POTHUNDY- KOZHINJAMPARA WITH KL13R237EXHIBIT P2 TRUE COPY OF THE RECEIPT UNDER THE KERALA MOTOR TRANSPORT WORKERS WELFATE FUND BOARD DATED2711-2012 EXHIBIT P3 TRUE COPY OF THE RECEIPT UNDER THE KERALA MOTOR TRANSPORT WORKERS WELFATE FUND BOARD DATED1403-2013 EXHIBIT P4 TRUE COPY OF THE RECEIPT UNDER THE KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD DATED1312-2013 EXHIBIT P5 TRUE COPY OF THE REQUEST FILED BY THE PETITIONER BEFORE THE RESPONDENT1TO3DATED2702-2014 EXHIBIT P6 TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE2D RESPONDENT DATED2105-2014 EXHIBIT P6(A) ENGLISH TRANSACTION OF MALAYALAM EXHIBIT EXHIBIT P7 TRUE COPY OF THE ACKNOWLEDGE RECEIPT WITH ITS NO.70079/2014 DATED2105-2014 EXHIBIT P7(A) ENGLISH TRANSACTION OF MALAYALAM EXHIBIT EXHIBIT P8 TRUE COPY OF MINUTES ISSUED BY THE3D RESPONDENT WITH ITS NO.D1343/2014 EXHIBIT P8(A) ENGLISH TRANSACTION OF MALAYALAM EXHIBIT RESPONDENT(S)' EXHIBITS: NIL /TRUE COPY/ P.A.TO.JUDGE sts MANJULA CHELLUR, C.J.

& P.R.RAMACHANDRA MENON, J.

----- W.P.(C)No.13606 OF2014- -----
----- Dated this the 30th day of May, 2014

JUDGMENT

RAMACHANDRA MENON, J.

Prayer in the writ petition is to issue a writ of mandamus or any other writs, order or directions, directing the respondents 1 to 3 police authorities to grant adequate and effective police protection to the petitioner's life, the lives of the crew of the petitioner and properties which include the conducting of stage carriage service with the vehicle with KL13R237 on the permitted route Pothundy - Kozhinjampara, from respondents 4 and 5 and their henchmen, supporters, followers or others.

2. Learned counsel for the petitioner submits that the petitioner is a regular stage carriage permit holder operating on the route Puthundy - Kozhinjampara with Stage Carriage Vehicle KL13R237 and the regular permit is valid upto 16.2.2017. According to the learned counsel, petitioner has his own permanent employees and they are the members of the scheme under Kerala Motor W.P.(C)No.13606 OF2014:

2. : Transport Workers' Welfare Fund Act and that contribution is being paid for them. Respondent 5 is not a permanent employee of the petitioner and, therefore, he cannot claim work in the service of the petitioner. Without any regard to the rule of law, the vehicle was seized by the respondents 4 and 5 and the petitioner is virtually prevented from operating the vehicle. Respondents 4 and 5 have no right to obstruct the operation of service and to threaten the petitioner with dire consequences. Due to the inaction on the part of the police authorities, petitioner has preferred this writ petition.

3. Heard learned counsel for the petitioner and the learned Government Pleader.

4. Considering the entire facts and circumstances of the case, this Court finds that this is not a fit case to call for interference. If there is any dispute with regard to the employment of the fifth respondent or anybody else, it is open to the petitioner to approach the appropriate forum to pursue the said dispute. The only relief that can be granted in this writ petition is to direct the police to do the needful, if there is any threat to the law and order situation. It is ordered accordingly. There shall be a further direction to the second respondent to consider Ext.P6 W.P.(C)No.13606 OF2014:

3. : petition filed by the petitioner and take appropriate steps in accordance with law forthwith. Writ petition is disposed of. MANJULA CHELLUR, Chief Justice P.R.RAMACHANDRA MENON, Judge jes

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