

Ebin Babu Umman vs State of Kerala

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Court : Kerala

Decided On : Jun-30-2022

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/14149/2022

Appellant : Ebin Babu Umman

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN
THURSDAY, THE 30TH DAY OF JUNE 2022 / 9TH ASHADHA, 1944
WP(C) NO. 14149 OF 2022 PETITIONER: EBIN BABU UMMAN AGED
48 YEARS S/O. BABU UMMAN, PROPRIETOR, RACHEL ESTATE,
ORUNADA, AREEPLACHY P.O, ANCHAL, RESIDING AT CARMEL
HOUSE, PUTHOOR P.O, PUTHUR VILLAGE, KOTTARAKKARA
THALUK, KOLLAM DISTRICT, PIN - 691333. BY ADVS. R.SURAJ
KUMAR RESHMA K.RAJU ANJANA R.S. RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY THE SECRETARY TO
GOVERNMENT OF KERALA, DEPARTMENT OF HOME AFFAIRS,

GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001. 2 THE DISTRICT POLICE CHIEF (RURAL), KOTTARAKKARA, KOLLAM DISTRICT, PIN - 691506. 3 THE STATION HOUSE OFFICER, ANCHAL POLICE STATION, ANCHAL, KOLLAM DISTRICT, PIN - 691306. 4 ANNAMMA VICTOR, PADIKKAL, CHORANADU, VADAMON P.O, ANCHAL, KOLLAM DISTRICT, PIN - 691306. 5 VIJAYAN.N, VINU VILASOM, ORUNADA, AREEPLACHY P.O, KOLLAM DISTRICT, PIN - 691333. 6 SINDHU P CHARUVILA PUTHEN VEEDU, MATHRA P.O, KARAVALOOR P.O, KOLLAM DISTRICT, PIN - 691333. 7 USHA SAJI, USHA VILASOM, CHORANADU, VADAMON P.O, ANCHAL, KOLLAM DISTRICT - PIN - 691306. 8 CHANDRIKA.J, THUNDIL PUTHEN VEEDU, VENCHEMBU, KOLLAM DISTRICT, PIN - 691333. 9 SULOCHANA C, CHARUVILA PUTHEN VEEDU, AYANICKODU, VENCHEMBU, KOLLAM DISTRICT, PIN - 691333.

10 ABHILASH S, MANJU MANDIRAM, AMBALAKONAM, VENCHEMBU, KOLLAM DISTRICT, PIN - 691333. 11 SUJITH S, VADAMON P.O, ANCHAL, KOLLAM DISTRICT, PIN - 691306. 12 VENULAL SECRETARY, INTUC, VALIYAVILA VEEDU, CHORANADU, ANCHAL P.O, KOLLAM DISTRICT, PIN - 691306. 13 C. HARI, SECRETARY, AITUC, POPPATTUMADOM, PANAYANCHERRY, ANCHAL P.O, KOLLAM DISTRICT, PIN - 691306. 14 RAJAN SECRETARY, CITU, RENJITH BHAVAN, ORU NADA, AREEPLACHY P.O, KOLLAM DISTRICT, PIN - 691333. BY ADV M.R.SASITH BY SRI. M. RAJEEV, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th day of June, 2022 This writ petition is filed seeking the following reliefs: i) Issue a Writ of Mandamus or any other Writ,

order or direction to the respondents 1 to 3 to grant

adequate and effective police protection to the petitioner and the staff of Rachel estate, Orunada, Areeplachy P.O.. Anchal, Kollam district, for its smooth and uninterrupted functioning of the office of the said estate.

ii) issue a Writ of Mandamus or any other writ, order

or direction to the 3rd respondent to take such measures in accordance with law to evict respondents 4 to 14 and their men from the office of Rachel estate, Orunada, Areeplachy P.O., Anchal, Kollam district.

lii) issue a Writ of Mandamus or any other writ, order

or direction to respondents 2 and 3 to consider and take action in accordance with law on Exhibits P-1 and P-3 respectively.

2. Heard the learned counsel for the petitioner, the learned Government Pleader as well as the learned Counsel appearing for the contesting party respondents.

3. It is submitted by the learned counsel

appearing for the petitioner that on the ground that a labour dispute is pending with regard to payment of bonus, the party respondents, who are the employees of the plantation belonging to the petitioner are creating law and order issues and are not permitting the functioning of the estate. It is stated that the respondents have trespassed into the office of the estate and that they are occupying the premises. It is stated that no notice of strike has been issued by the trade Unions and that as such, the action of the respondents is completely unsustainable.

4. The learned counsel appearing for the

respondents submits that there is a labour dispute with regard to payment of bonus and that the respondents have not trespassed into the office or created any law and order situation. It is also contended that apart from pursuing their remedies for getting their due bonus, the respondents do not intend to create any

law and order situation.

5. The learned Government Pleader submits

that at present there is no law and order situation. Having considered the contentions advanced, I am of the opinion that the dispute with regard to the payment of bonus is to be resolved through the conciliation proceedings or by adjudication, as known to law, under the provisions of the Payment of Bonus Act, 1965 as well as the Industrial Disputes Act, 1947. The respondents, however, cannot create a law and order situation or obstruct the functioning of the estate or the ingress and egress of the petitioner or the willing employees into the estate. In case the petitioner faces any such obstruction from the contesting party respondents or anybody claiming through them, the petitioner may inform the Station House officer, who shall afford adequate protection for the functioning of the estate and for ingress and egress to the premises. All other

issues are left open to be decided in appropriate

proceedings. Sd/- ANU SIVARAMAN JUDGE SSK/30/06 APPENDIX
PETITIONER'S EXHIBITS:

TRUE COPY OF THE COMPLAINT DATED 05.04.2022 Exhibit P1
ADDRESSED TO THE 4TH RESPONDENT. TRUE COPY OF THE
RECEIPT DATED 05.04.2022 Exhibit P2 ISSUED FROM THE OFFICE
OF THE 2ND RESPONDENT. TRUE COPY OF THE COMPLAINT
DATED 05.04.2022 Exhibit P3 SUBMITTED BEFORE THE 3RD
RESPONDENT. TRUE COPY OF THE RECEIPT 05.04.2022 ISSUED
FROM Exhibit P4 THE OFFICE OF THE 3RD RESPONDENT. Exhibit
P5 TRUE COPY OF THE PETITION DATED 20/4/2022 TRUE COPY OF
THE COMPLAINT DATED 21.5.2022 Exhibit P6 SUBMITTED BY THE
PETITIONER BEFORE THE 3RD RESPONDENT TRUE COPY OF THE
RECEIPT NUMBER 280/2022 DATED Exhibit P6 A Exhibit P7 TRUE
COPY OF THE COMPLAINT 21-06-2022. TRUE COPY OF THE
ORDER DATED 21-04-2022 ISSUED Exhibit P8 BY THE DEPUTY

LABOUR OFFICER, PUNALUR.

SSK //TRUE COPY// PA TO JUDGE

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