

**(2011) 05 KL CK 0074**

**In the High Court Of Kerala**

**Case No : Writ Petition (C) No. 13109 of 2011 (K)**

A. Shaji

APPELLANT

Vs

Sub Inspector of Police and Others

RESPONDENT

**Date of Decision : 20-05-2011**

**Acts Referred:**

**Citation : (2011) 05 KL CK 0074**

**Hon'ble Judges : S. Siri Jagan, J; M.L. Joseph Francis, J**

**Bench : Division Bench**

**Advocate : A.K. Preetha, for the Appellant; R. Krishna Raj, for the Respondent**

## **Judgement**

S. Siri Jagan, J.—The Petitioner, as per Ext. P1, entered into an agreement for cutting and removing 60 rubber trees standing in an extent of 11.30 ares of land in Sy. No. 265/5 of Kalanjoor Village with the owner of the trees. Apprehending claims for work by various trade unions in the matter of engaging workers for cutting the rubber trees, the Petitioner entered into an agreement with the trade unions, which is Ext. P3 for sharing of the work. But, when the work commenced and half of the trees were cut and removed, Respondents 2 to 7 and their supporters obstructed the work of the Petitioner claiming work for the members of their trade unions. In fact, earlier, there were such disputes, in respect of which engaged the attention of the Regional Joint Labour Commissioner, Kollam, who passed Ext. P4 order in respect of sharing of work in that particular area. According to the Petitioner, Ext. P3 agreement has been arrived at in accordance with Ext. P4 order. Despite this, Respondents 2 to 7 are forcibly preventing the Petitioner from executing Ext. P1 agreement by cutting and removing the balance rubber trees, is the grievance of the Petitioner in this writ petition. The Petitioner seeks the following relief's:

a) Issue a writ of mandamus or any other appropriate writ or order directing the 1st Respondent to provide the Petitioner and his workers with adequate and effective protection for carrying on the work of cutting and removing the trees and its loading and unloading work as per Exts.P1 and P3 without let or

intervention from the Respondents 2 to 7, its supporters or sympathizers;

b) Issue a writ of mandamus or any other appropriate writ or order directing the 1st Respondent to take up and dispose of Ext. P5 in accordance with law;

c) Declare that the obstructions caused by Respondents 2 to 7 and its supporters or sympathizers is arbitrary and illegal.

2. A counter affidavit has been filed on behalf of Respondents 2 to 7, wherein the contention raised is that since Respondents 2 to 7 are also entitled to work in the area, they should also be given some part of the work.

3. We specifically asked the counsel for Respondents 2 to 7 as to whether the Petitioner has violated any law in employing the workers as per Ext. P3 agreement. While admitting that the Petitioner has not, counsel for Respondents 2 to 7 would submit that Ext. P4 order of the Regional Joint Labour Commissioner is under challenge in W.P(C) No. 5295/2011.

4. Whatever be the contention of Respondents 2 to 7, insofar as they do not have any case that the Petitioner has violated any provision of law by employing workers for cutting and removing the trees as per Ext. P1, we do not think that the Respondents 2 to 7 have any manner of right to prevent the Petitioner from cutting and removing the trees in accordance with Ext. P1 agreement by employing workers in accordance with Exts. P 3 and P4.

5. In the above circumstances, this writ petition is disposed of with a direction to the 1st Respondent to see that adequate and effective police protection is granted to the Petitioner for cutting and removing rubber trees and getting loading and unloading done in respect thereof, in accordance with Ext. P1 agreement by employing workers in accordance with Exts. P 3 and P4.