

(2011) 06 KL CK 0197

In the High Court Of Kerala

Case No : Writ Petition (C) No. 12589 of 2011 (W)

Jalaludheen

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision : 17-06-2011

Acts Referred:

Citation : (2011) 06 KL CK 0197

Hon'ble Judges : R. Basant, J;K. Surendra Mohan, J

Bench : Division Bench

Advocate : Saju S.A, for the Appellant; No Appearance, for the Respondent

Final Decision : Allowed

Judgement

R. Basant, J.—The Petitioner has come to this Court seeking issue of directions to Respondents 2 to 4 - all police officials under the first Respondent State to afford police protection to the Petitioner against contumacious, culpable and illegal obstruction by Respondents 6 to 9.

2. According to the Petitioner, the Petitioner has entered into Ext.P1 agreement with the owner of a parcel of land. Under the agreement, the Petitioner has been given permission to slaughter tapping the rubber trees and cut and remove them. The work has to be completed by the Ist of July 2011. The slaughter tapping is over. The trees have been cut and the Petitioner wants to remove them. The area is not a scheme covered area. The Petitioner has the option under law to engage any one that he pleases. However, Respondents 6 to 9 have some internecine disputes among them and they are not permitting the Petitioner to remove the cut rubber trees. The Petitioner is willing to engage Respondents 6 to 9 or any one among them who is willing to do the work. But they are not settling the disputes among themselves nor are they permitting the Petitioner to get the work done by any one of them or by other workmen of the Petitioner's choice. The Petitioner will now engage other workmen and not get involved in the disputes between Respondents 6 to 9. The Petitioner may be

afforded police protection to get such work done. This in short is the prayer of the Petitioner.

3. Respondents 6 to 9 though served have not chosen to enter appearance. Respondent No. 5 is the Assistant Labour Officer before whom the Petitioner wanted the matter to be settled.

4. The learned Government Pleader, after taking instructions, submits that the area is admittedly not a scheme covered area. The learned Government Pleader further submits that the police had made attempts to settle the disputes between Respondents 6 to 9. Success has not been achieved. In these circumstances, the police is willing to afford protection to the Petitioner to get the work done by persons engaged by him. Appropriate directions may be issued, it is prayed.

5. We take note of the admitted fact that the area is not a scheme covered area. We take note of the circumstance that Respondents 6 to 9 have not, though served, chosen to enter appearance before this Court. We are in these circumstances satisfied that directions can be issued in favour of the Petitioner as prayed for.

6. In the result,

a) This petition is allowed.

b) Respondents 2 to 4 are directed to afford adequate and sufficient protection for the Petitioner to get the work of removal of cut rubber trees in the property done by persons of his choice.