
(2012) 09 KL CK 0062

In the High Court Of Kerala

Case No : Writ Petition (C) No. 17728 of 2012 (M)

Joy Thomas and Philip Mathew

APPELLANT

Vs

District Labour Officer Office of The District Labour Officer,
Market Road Pathanamthitta 689645 and Others

RESPONDENT

Date of Decision : 03-09-2012

Acts Referred:

Citation : (2012) 09 KL CK 0062

Hon'ble Judges : K.M. Joseph, J;K. Harilal, J

Bench : Division Bench

Advocate : V. Philip Mathew, for the Appellant; Shyson P. Manguzha, Govt. Pleader for R1 to R4, Sri. T.P. Pradeep, Sri. S. Sreedev, Sri. N. Nagaresh, Sri. A.N. Rajan Babu, SC, KHWB, Sri. R. Krishna Raj and Smt. E.S. Soni, for the Respondent

Judgement

K.M. Joseph, J.—Petitioners have approached this Court seeking the following reliefs:

?) issue a writ of mandamus or other appropriate writ order or direction commanding respondents 2 to 4 to grant adequate and effective police protection to the petitioners to engage their own workers and afford protection to such workers for cutting, removing and transporting trees mentioned in Exhibit P1 without any threat or obstruction from respondents 5 to 17 or any others under them.

ii) issue a writ of mandamus or other appropriate writ order or direction commanding the respondents 2 to 4 to afford adequate and effective police protection to the petitioners to cut and remove the rubber trees mentioned in Exhibit P1 by engaging willing and competent workers from among the unions of respondents 5 to 17 without any threat or obstruction from unwilling or incompetent workers among respondents 5 to 17.?

Briefly put, the case of the petitioners is as follows: The first petitioner entered

into an agreement with the second petitioner's son for slaughter tapping of about 600 old rubber trees. The second petitioner's son who is the owner of the property is abroad. The second petitioner is in possession and management of the property and he is authorized to take necessary action to protect the property. Ext. P1 is the agreement between the first and second petitioner. The second petitioner's son sold the rubber trees to the first petitioner and the first petitioner was to cut and remove the trees. Payment schedule is referred to. It is alleged that the first petitioner has paid the entire amount to the second petitioner. The first petitioner attempted to cut and remove the rubber trees. Respondents 5 to 11 and other workers belonging to Mangode area physically obstructed. The first petitioner was prepared to engage any worker who is prepared to do the work. The first respondent Labour Officer made several attempts to resolve the dispute. Petitioner made representation (Ext. P3). Respondents 2 and 3 have not so far taken any action and the petitioners have approached this Court. A counter affidavit is filed by the contesting respondents.

2. We have passed interim order dated 13.8.2012 which reads as under:

We heard the learned Counsel for parties. The matter is in relation to police protection. The dispute is between the Unions of workers interse. On the one hand, it is contended that workers who are issued cards by the A.L.O., Adoor, were having the right to work. On the other hand, it is contended that those who are issued cards by A.L.O., Punalur is having the right. We direct that first respondent will look into the claims of the respondents interse as who is entitled to work in respect of petitioner's works and take a decision in accordance with law. For taking a decision urgently, we direct that the respondents or their representatives will appear before the first respondent on 16.8.2012 at 11 am and he will proceed to take decision in the matter and the said decision will be made available to this Court on 20.8.2012.

Today when the matter came up, it is submitted that the Officer has taken a decision as per which it is found that workers who are issued with identity cards by the A.L.O., Adoor only are entitled to work in Kalanjoor Panchayat. This would mean that the said workers are entitled going by the decision of the statutory authority. Respondents 5 to 10 would not be entitled to obstruct the cutting of trees by the petitioners. Accordingly, we dispose of the writ petition as follows:

There will be a direction to respondents 2 and 3 to grant effective police protection to the petitioners to engage workers having identity cards issued by the A.L.O., Adoor as against any obstruction by respondents 5 to 10. We make it clear that, this will be without prejudice to the right of respondents 5 to 10 to challenge the order of the A.L.O., Adoor before any lawful forum.