

(2010) 12 KL CK 0169

In the High Court Of Kerala

Case No : Writ Petition (C) No. 37789 of 2010 (W)

Prijith Prathapan, Manager

APPELLANT

Vs

Hari and Others

RESPONDENT

Date of Decision : 22-12-2010

Acts Referred:

Citation : (2010) 12 KL CK 0169

Hon'ble Judges : M.C. Hari Rani, J;K.M. Joseph, J

Bench : Division Bench

Advocate : N.N. Sugunapalan, for the Appellant; None, for the Respondent

Judgement

K.M. Joseph, J.—Petitioner has approached this Court seeking the following reliefs:

i) to issue a writ of mandamus or any other appropriate writ, order or direction directing the 5th Respondent to consider Ext. P2 petition and take appropriate action thereon.

ii) to issue a writ of mandamus or any other appropriate writ, order or direction directing the 5th Respondent to afford adequate and sufficient police protection to the Petitioner and the staff and workers of the Petitioner's hotel and bar, including free ingress and egress for the smooth conduct of the business therein.

iii) to issue a writ of mandamus or any other appropriate writ, order or direction directing the 5th Respondent to afford adequate and sufficient police protection to the property of Sidhartha Bar and Hotel.

2. Briefly put, the case of the Petitioner is as follows: Petitioner is the Manager of Sidhartha Bar and Hotel run by a company. It is stated that the hotel is frequented by a large number of customers at the restaurant as well as the bar. Petitioner received notice dated 16.12.2010 from Respondents 3 and 4 who are the President and Secretary of the Hotel and Thozhilali Union (CITU) informing that two workers Hari and Reju who are Respondents 1 and 2 herein and who

were in the employment of the hotel have been denied employment and they are to be reinstated and that if the management fails to yield to the above demand they will go ahead with demonstration. There is reference to another hotel and action taken against two of its employees. According to them, Respondents 1 and 2 have never been in the employment of hotel or bar. The notice is issued knowing the position. The threat held out constantly to the staff and other workers of the establishment has caused fear in their minds and if the staff and workers are unable to freely move in the locality or to come for work in the hotel and bar this would seriously disrupt and interfere with the conduct of business. Petitioner filed Ext.P2 petition before the 5thRespondent. Complaining of inaction Petitioner is before us.

3. We heard Sri. N.N. Sugunapalan, learned senior counsel for the Petitioner and Sri. Ashok M. Cherian, learned Counsel for Respondents 1 to 4. Learned Counsel for Respondents 1 to 4 would submit that apart from giving notice no action has been taken so far and Respondents 1 to 4 will only pursue the remedies open to them by raising dispute before the competent forum. We record the said submission and close the writ petition.