

(2011) 03 KL CK 0183

High Court Of Kerala

Case No: Writ Petition (C) . No. 9558 of 2011 (T)

K.S.E. Limited and Mr.
Vijayakumar K.

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision: March 29, 2011

Acts Referred:

- Constitution of India, 1950 - Article 226

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

Bench: Division Bench

Advocate: E.K. Nandakumar, for the Appellant; A. Jayasankar, for the Respondent

Final Decision: Allowed

Judgement

R. Basant, J.

Petitioners have come to this Court with this petition for issue of directions to Respondents 1 to 4 under Article 226 of the Constitution of India to afford protection to the Petitioner for the peaceful and orderly functioning of the unit at Konikkara in Trichur owned by KSE Limited. Respondents 5 and 6 are trade unions of employees in the unit. According to the Petitioners, the long term settlement is in force and that settlement is to remain in force till 31.05.2012. Before expiry of the period of the long term settlement, trade union and their members led by Respondents 5 and 6 are raising unjustified demands and are unnecessarily causing obstruction to the peaceful and orderly functioning of the unit. Finished products there in the company. They are basically milk products. If they are promptly not removed, it will lead to great loss for the Petitioner. Perishable raw materials also deserve to be properly taken care of. It is, in these circumstances, that the Petitioners have come before this Court with this petition for issue of directions for police protection.

2. Respondents 5 and 6 have entered appearance through a counsel. The learned Counsel for Respondents 5 and 6 submits that Respondents 5 and 6 shall not in any way cause any obstruction to the peaceful and orderly functioning of the unit. They shall not obstruct ingress and egress to the unit by the management personnel, willing workmen or customers. They shall not block movement of articles into or out of the unit. In these circumstances, there is absolutely no need to issue any direction under Article 226, submits the learned Counsel for Respondents 5 and 6. The learned Government Pleader after taking instructions from the police officials concerned submits that if there is any obstruction against peaceful and orderly running of the establishment including obstruction to ingress and egress to the management personnel, willing employees or customers or obstruction to movement of articles into and out of the unit, necessary police protection shall be afforded.

3. We have considered all the relevant inputs. In the light of the specific stand taken by Respondents 5 and 6, we are satisfied that appropriate directions can be issued.

4. In the result:

(a) This Writ Petition is allowed;

(b) We accept the submission of the learned Counsel on behalf of Respondents 5 and 6 that no obstruction shall be caused by Respondents 5 and 6 or their members against the peaceful or orderly functioning of the unit of the Petitioners at Konikkara, that they shall not obstruct ingress or egress of the management personnel, willing workers or customers to the establishment and that they shall not obstruct free movement of articles into and out of the unit. If there be any violation of this undertaking on behalf of Respondents 5 and 6, Respondents 2 to 4 shall afford necessary police protection.