

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&

THE HONOURABLE MRS. JUSTICE M.C.HARI RANI

THURSDAY, THE 31ST JULY 2008 / 9TH SRAVANA 1930

WP(C).No. 16133 of 2008(U)

PETITIONER:

V.J.MATHEW, MANAGING DIRECTOR,
RUBBER WOOD INDIA (PVT) LTD. & INDIA WOOD,
R.R.DTC. COMPLEX, MANGANAM, KOTTAYAM RESIDING
AT SICILIA, II/433, GUEST HOUSE ROAD,
KOLLAD P.O., KOTTAYAM.

BY ADV. SRI.THOMAS ABRAHAM
SRI.DIPU.R
SMT.MERCIAMMA MATHEW
SRI.K.S.HARIDAS

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY IT'S
SECRETARY, HOME DEPARTMENT, GOVERNMENT OF
KERALA, SECRETARIAT, TRIVANDRUM.
2. DIRECTOR GENERAL OF POLICE,
KERALA STATE, TRIVANDRUM.
3. THE DISTRICT SUPERINTENDENT OF POLICE,
KOTTAYAM.
4. THE SUB INSPECTOR OF POLICE,
KOTTAYAM EAST POLICE STATION,
KOTTAYAM.
5. SRI.V.G.VINOD KUMAR,
THE CIRCLE INSPECTOR OF POLICE,
KOTTAYAM EAST, KOTTAYAM.

BY SR.GOVERNMENT PLEADER SRI. BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 31/07/2008, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

Kss

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: COPIES OF THE INTERIM ORDER DTD. 25/04/2008 ALONG WITH THE FORWARDING LETTER DTD. 26/04/2008.**
- EXT.P2: COPY OF THE REPRESENTATION DTD. 26/04/2008 SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT SUPERINTENDENT OF POLICE, KOTTAYAM.**
- EXT.P3: COPY OF THE LETTER DTD. 28/04/2008 SUBMITTED BY THE 4 EMPLOYEES TO THE PETITIONER.**
- EXT.P4: COPY OF THE LETTER DTD. 28/04/2008.**
- EXT.P5: COPY OF THE PETITION DTD. 28/04/2008.**
- EXT.P6: COPY OF THE PETITION DTD. 7/05/2008.**
- EXT.P7: COPY OF THE REPRESENTATION DTD. 14/05/2008 BEFORE THE DISTRICT SUPERINTENDENT OF POLICE, KOTTAYAM DISTRICT.**
- EXT.P8: COPY OF THE COMPLAINT DTD. 15/05/2008.**
- EXT.P9: COPY OF THE REPRESENTATION DTD. 15/05/2008 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.**

RESPONDENT'S EXHIBITS: N I L

/TRUE COPY/

P.S.TO JUDGE

Kss

K. BALAKRISHNAN NAIR & M.C. HARI RANI, JJ

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W.P.(C)NO. 16133 OF 2008

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DATED THIS THE 31ST DAY OF JULY 2008

JUDGMENT

Balakrishnan Nair, J.

The petitioner has approached this court alleging harassment from the part of the 5th respondent. There was a strike in the factory of the petitioner at Kollad, Kottayam. He moved this court and obtained an interim order for police protection. Notwithstanding that protection order, there were lapses from the part of the 4th and 5th respondent to render necessary protection to him. Therefore, the petitioner moved a contempt application before this court for initiating contempt proceedings against the 4th and 5th respondents. The 5th respondent telephoned him and threatened him of dire consequences for having moved that application. The petitioner's wife committed suicide about two years back. The 5th respondent through telephone told him that he will reopen

that case and see that the petitioner is properly dealt with. Pointing out the above threat from the part of the 5th respondent, the petitioner filed Ext.P7 representation before the District Superintendent of Police, Kottayam. Thereafter, he filed Ext.P9 petition before the Director General of Police. This writ petition was filed on 29-5-2008 seeking appropriate reliefs against the harassment meted out to him at the instance of the 5th respondent.

2. The 5th respondent has filed a counter affidavit denying the allegations against him. The allegations of threat including the alleged proposal to reopen the suicide case were specifically denied by him. He further submits that he has no ill will or hatred towards the petitioner. As instructed by the petitioner, the 5th respondent did not charge the striking workmen to disperse them. So these false allegations are made, it is submitted.

3. The petitioner filed a reply affidavit dealing with the averments in the counter affidavit and also reiterating the averments in the writ petition.

4. Heard the learned counsel on both sides. The 5th respondent has submitted that he has no intention whatsoever to harass the petitioner and he does not propose to do that also. The said submission is recorded. If the petitioner wants to pursue his grievance regarding the alleged actions already taken by the 5th respondent, he may pursue the remedies available to him under law. In this writ petition, we cannot go into the disputed questions of fact. Accordingly, this writ petition is closed recording the above undertaking made before this Court by the 5th respondent and leaving open the rights of the petitioner to pursue his remedies to redress his grievance before other appropriate forums.

Sd/-
K. BALAKRISHNAN NAIR,
JUDGE

Sd/-
M.C. HARI RANI
JUDGE

ks.