

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN  
&  
THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

RP.No. 692 of 2014 IN WP(C).13565/2014

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AGAINST THE JUDGMENT IN WP(C) 13565/2014 of HIGH COURT OF KERALA  
DATED 06-06-2014

REVIEW PETITIONER(S)/RESPONDENTS 6 AND 7:-:

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1. AYOOB, AGED 41 YEARS  
S/O MUHAMMED, PERATHADATHIL HOUSE  
MEMBER OF I.N.T.U.C., GOOLIKKADAVU UNIT, MANNARKKAD  
PALAKKAD - 678 582.
  2. RAJAN, AGED 41 YEARS  
S/O KITTAN, RESIDING AT CHEENIKALLATTIYIL HOUSE  
MEMBER OF I.N.T.U.C., GOOLIKKADAVU UNIT, MANNARKKAD  
PALAKKAD - 678 582.

BY ADVS.SRI.T.C.SURESH MENON  
SRI.P.S.APPU

RESPONDENT(S)/WRIT PETITIONER & RESPONDENTS 1 TO 5 & ADDL.R8:-:

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1. RAMESH.M., , AGED 34 YEARS  
S/O. SREEDHARAN, RESIDING AT MELETHRA VEEDU  
PUNJAKKODE, THENKARA P.O., MANNARKKAD  
PALAKKAD - 678 761.
  2. THE DISTRICT POICE CHIEF,  
PALAKKAD - 678 001.
  3. THE CIRCLE INSPECTOR OF POLICE,  
AGALI POLICE STATION, PALAKKAD - 678 581.
  4. THE SUB INSPECTOR OF POLICE,  
AGALI POLICE STATION, PALAKKAD - 678 581.
  5. DISTRICT LABOUR OFFICER,  
DISTRICT LABOUR OFFICE, PALAKKAD - 678 001.
  6. ASSISTANT LABOUR OFFICER,  
ASSISTANT LABOUR OFFICE, MANNARKKAD  
PALAKKAD - 678 582.
  7. KERALA HEADLOAD WORKERS WELFARE FUND BOARD,  
PALAKKAD - 678 001, REPRESENTED BY ITS SECRETARY.

R1 BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)  
BY Sr.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 26-10-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

RP.No. 692 of 2014 IN WP(C).13565/2014

APPENDIX

PETITIONERS' EXHIBITS :

ANNEXURE-A : TRUE COPY OF THE CERTIFICATE ISSUED BY THE DISTRICT SECRETARY, KERALA HEADLOAD WORKERS WELFARE BOARD, PALAKKAD DISTRICT COMMITTEE DATD 31.7.2014 ALONG WITH ENGLISH TRANSLATION.

ANNEXURE-B : TRUE COPY OF THE IDENTITY CARD OF the 1<sup>st</sup> REVIEW PETITIONER DATED 5.12.2007 ALONG WITH ENGLISH TRANSLATION.

ANNEXURE-C : TRUE COPY OF THE IDENTITY CARD OF THE 2<sup>nd</sup> REVIEW PETITIONER DATED - NIL-ALONG WITH ENGLISH TRANSLATION.

RESPONDENTS' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

**ASHOK BHUSHAN, C.J. &  
P.R.RAMACHANDRA MENON, J.**

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**Review Petition No.692 of 2014 in  
W.P.(C)No.13565 of 2014**  
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**Dated this the 26<sup>h</sup> day of October, 2015.**

**O R D E R**

RAMACHANDRA MENON, J.

The review of the judgment dated 6.6.2014 in W.P.(C) No.13565 of 2014 is sought for by the petitioners herein, contending that the area concerned is actually a scheme covered area, but the same was not brought to the notice of this Court. Based on the submission that it was not a scheme covered area, a declaration was made by this Court in the judgment to the effect that the concerned respondents were not having any right to demand work under the Kerala Head Load Workers' Scheme, and in turn directed the police authorities to render necessary protection for pursuing activities in the Unit belonging to the writ petitioner.

2. Along with this review petition, Annexure-A certificate is produced by the petitioners, which has been

issued by the District Secretary, Kerala Head Load Workers' Welfare Board, stating that the area concerned is a 'notified area' under the Kerala Headload Workers' Welfare Scheme. The learned counsel appearing for the review petitioner submits that the certificate issued by the Secretary of the Welfare Board only says that Agali Grama Panchayath is a Scheme notified Area. The learned counsel adds that it is only a general certificate, whereas the proceedings produced by the writ petitioner, issued by the competent authority under the 'RTI Act', specifically makes reference to a particular place 'Nakkupathippiruvu' in Agali Grama Panchayat, is not a scheme covered area and as such, there is no question of any mistake of fact.

3. After hearing both sides, this Court finds that, if it is a scheme covered area and that if there is any right to demand work, it of course turn to be a dispute, which can be adjudicated by approaching competent authorities, availing the statutory remedy. This being the position, we make it clear that the observations made by this Court while

disposing the writ petition granting police protection, will not bar the way of the parties concerned in approaching the competent authorities under Statute and establish the actual facts and figures in the light of the relevant provisions of law. All the rival contentions raised, including the fact whether the loading and unloading operations are incidental or not, the number of employees deployed and such other aspects, are left open to be considered by the competent authority. The police protection granted by this Court will of course be subject to the orders to be passed by the competent authorities as mentioned above.

With the above observations, the review petition stands disposed of.

Sd/-  
**ASHOK BHUSHAN,**  
**CHIEF JUSTICE.**

Sd/-  
**P.R.RAMACHANDRA MENON,**  
**JUDGE.**

ami/

//True copy//

P.A.to Judge