

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&**

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WP(C).No. 7261 of 2013 (G)

PETITIONER(S):

**ALI, S/O.THENANKUTTY,
KUNNATH HOUSE, KULUKKILIAD,
KOTTAPURAM, OTTAPALAM TALUK,
PALAKKAD DISTRICT.**

BY ADV. SRI.P.JAYARAM.

RESPONDENT(S):

- 1. THE DISTRICT SUPERINTENDENT OF POLICE,
PALAKKAD-678 001.**
- 2. THE SUB INSPECTOR OF POLICE,
SREEKRISHNAPURAM-679 513.**
- 3. THE DISTRICT LABOUR OFFICER,
PALAKKAD-678 001.**
- 4. THE SECRETARY,
CENTRAL INDIAN TRADE UNION (C.I.T.U.),
KULUKKILIAD UNIT, P.O.KOTTAPURAM, PIN-679 513.**
- 5. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
DEPARTMENT OF HOME AFFAIRS,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**

R1 TO R3 & R5 BY SR. GOVT. PLEADER SRI.C.R. SYAMKUMAR.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE DEED NO.3073/1999 DATED 17/06/1999 OF S.R.O.,
MANNARKKAD.
- EXT.P2 COPY OF THE LICENSE NO.C-855/2012 DATED 07/04/2012
ISSUED TO THE PETITIONER.
- EXT.P3 COPY OF THE ELECTORAL IDENTITY CARD NO.GTT 1395367.
- EXT.P4 COPY OF THE ELECTORAL IDENTITY CARD NO.KL-07/047/126597.
- EXT.P5 COPY OF THE COMMERCIAL INVOICE DATED 17/12/2012
SHOWING IMPORT OF GOODS.
- EXT.P6 COPY OF THE COMPLAINT DATED 02/02/2013 FILED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P7 COPY OF THE COMPLAINT DATED 03/03/2013 FILED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT.P8 COPY OF THE PHOTOGRAPHS.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

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Dated this the 27th day of November 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court seeking for police protection in the matter relating to loading and unloading work being carried on by the petitioner in his premises. The petitioner alleges that the 4th respondent and their men are creating obstruction in the loading and unloading work being carried on by the petitioner and is demanding that the said work should be entrusted to them.

2. According to the respondent, the stockyard of the petitioner is situated in a scheme covered area. Under such circumstances, the petitioner cannot be permitted to carry on loading and unloading work with his own workers unless his workers are registered and have obtained identity cards under Rule 26A of the Head Load Workers Act and Rules framed therein.

Under such circumstances, we dispose of the writ petition permitting the petitioner to approach the police, if there is any obstruction from the 4th respondent or their men in the matter

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-: 2 :-

relating to loading and unloading work being carried on by the petitioner in his establishment provided, the said work is being carried on through his permanent workers, who have registration cards under Rule 26A of the said Act and Rules.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

Jvt/30.11.2015.