

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

WP(C).No. 5860 of 2015 (F)

PETITIONER(S):

**M/S.GEORGE & COMPANY, S.N. JUNCTION ROAD,
KATTAPPANA IDUKKI,
PIN - 685 508, REPRESENTED BY IT'S MANAGING PARTNER,
SRI.BIJU GEORGE, S/O.GEORGE, AGED 44, BUSINESS,
RESIDING AT ARACKAL HOUSE, MISSION QUARTERS,
CEMETERY LANE, THRISSUR P.O., PIN - 680 001.**

**BY ADVS.SRI.SIRAJ KAROLY
SRI.K.A.HAZAN**

RESPONDENT(S):

- 1. SUB INSPECTOR OF POLICE,
KATTAPPANA, PIN - 685 508.**
- 2. THE DEPUTY SUPERINTENDENT OF POLICE,
KATTAPPANA, PIN - 685 508.**
- 3. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
LABOUR AND REHABILITATION DEPARTMENT,
THIRUVANANTHAPURAM - 695 001.**
- 4. ASSISTANT LABOUR OFFICER,
NEDUMKANDAM, IDUKKI, PIN - 685 553.**
- 5. THE CHAIRMAN,
KERALA HEAD LOAD WORKERS WELFARE FUND BOARD,
COMMITTEE, KATTAPPANA, PIN - 685 508.**
- 6. THE POOL LEADER,
POOL NO. 1 UNDER THE KERALA HEAD
LOAD WORKERS WELFARE BOARD COMMITTEE,
KATTAPPANA, PIN - 685 508.**

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7. THE SECRETARY,
IDUKKI DISTRICT HEAD LOAD & GENERAL
EMPLOYEES UNION (INTUC) KATTAPPANA,
PIN - 685 508.

8. THE SECRETARY,
IDUKKI DISTRICT HEAD LOAD & TIMBER
WORKERS UNION (CITU) KATTAPPANA
PIN - 685 508.

9. THE SECRETARY,
IDUKKI DISTRICT HEAD LOAD & GENERAL MAZDOOR SANGH (BMS),
KATTAPPANA, PIN - 685 508.

R1 TO R4 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R5 BY ADV. SRI.C.S. AJITH PRAKASH, SC, KHWWB
R6-R9 BY ADVS. SRI.K.M.KURIAN
SRI.P.VIJAYAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE LICENSE NO. 656/2014-15 DATED 10/09/2014 FROM THE KATTAPPANA GRAMA PANCHAYAT.

EXT.P1(A): TRANSLATED COPY OF THE EXHIBIT P1, LICENSE NO. 656/2014-15 DATED 10/09/2014 FROM THE KATTAPPANA GRAMA PANCHAYAT.

EXT.P2: TRUE COPY OF THE CERTIFICATE GRANTING TIN NUMBER FROM THE SALES TAX DEPARTMENT.

EXT.P3: CERTIFICATE OF REGISTRATION NO. 1697 UNDER SHOP ACT RECEIVED FROM THE 4TH RESPONDENT.

EXT.P3(A): TRANSLATED COPY CERTIFICATE OF REGISTRATION NO. 1697 UNDER SHOP ACT RECEIVED FROM THE 4TH RESPONDENT.

EXT.P4: TRUE COPY OF THE PROCEEDINGS NUMBER E0629900801 DATED 01/12/2014 OF THE DISTRICT EXECUTIVE OFFICER, KS & CE W W BOARD, IDUKKI.

EXT.P4(A): TRANSLATED COPY OF THE PROCEEDINGS NUMBER E 0629900801 DATED 01/12/2014 OF THE DIST. EXECUTIVE OFFICER KS&CE WW BOARD, IDUKKI.

EXT.P5(A): TRUE COPY OF THE APPLICATION FOR REGISTRATION DATED 08/12/2014 FILED BY PAVAN EKKA IN FORM IX.

EXT.P5(B): TRUE COPY OF THE APPLICATION FOR REGISTRATION DATED 08/12/2014 FILED BY ROHIT EKKA IN FORM IX.

EXT.P5(C): TRUE COPY OF THE APPLICATION FOR REGISTRATION DATED 08/12/2014 FILED BY ANEESH PEETHAMBARAN IN FORM NO. IX.

EXT.P5(D): TRUE COPY OF THE APPLICATION FOR REGISTRATION DATED 08/12/2014 FILED BY SUNIL ORAON IN FORM IX.

EXT.P6: TRUE COPY OF THE EMPLOYMENT AND WAGES FOR THE MONTH OF JANUARY 2015 IN FORM IV.

EXT.P7(A): TRUE COPY OF THE SERVICE RECORD OF SRI.PAVAN.

EXT.P7(B): TRUE COPY OF THE SERVICE RECORD OF SRI.ROHIT EKKA.

EXT.P7(C): TRUE COPY OF THE SERVICE RECORD OF SRI.ANEESH PURUSHOTHAMAN.

EXT.P7(D): TRUE COPY OF THE SERVICE RECORD OF SRI.SUNIL ORAON.

EXT.P8: TRUE COPY OF THE ORDER NO. HL (77(21)/2014 DATED 09/02/2015 OF THE ASST.LABOUR OFFICER, NEDUMKANDAM.

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EXT.P8(A): TRANSLATED COPY OF ORDER NO. HL (77 (21)/2014 DATED 09/02/2015 OF
THE ASST.LABOUR OFFICER, NEDUMKANDAM.

EXT.P9(A): TRUE COPY OF THE IDENTITY CARD ISSUED TO PAVAN EKKA.

EXT.P9(B): TRUE COPY OF THE IDENTITY CARD ISSUED TO ROHIT EKKA.

EXT.P9(C): TRUE COPY OF THE IDENTITY CARD ISSUED TO ANEESH
PURUSHOTHAMAN.

EXT.P9(D): TRUE COPY OF THE IDENTITY CARD ISSUED TO SUNIL ORAON.

EXT.P10(A): TRUE COPY OF PURCHASE BILL.

EXT.P10(B): TRUE COPY OF THE SALES BILL DATED 12/02/2015.

EXT.P11(A): PETITION DATED 19/02/2015 FILED BEFORE THE SUB INSPECTOR,
KATTAPPANA.

EXT.P11(B): TRUE COPY OF THE RECEIPT FROM THE SUB INSPECTOR.

EXT.P12: TRUE COPY OF THE RECEIPT FROM THE DEPUTY SUPERINTENDENT OF
POLICE, KATTAPPANA.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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Dated this, the 6th day of July, 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court seeking police protection. It is submitted that petitioner is engaged in the business of sale of roofing materials under the name and style “M/s.George and Company”. Petitioner also submits that he has four labours, who were registered under the Headload Workers Act and the Rules framed thereunder to carry on the loading and unloading work. It is contended that private respondents 6 to 9 and their members have obstructed the petitioner from carrying on loading and unloading activities and insisting that they alone should be employed.

2. No counter affidavit has been filed by respondents 6 to 9.

3. Learned counsel appearing for the 5th respondent submits that it is a scheme covered area. Having regard to the

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fact that the petitioner has their own registered workers to carry on the loading and unloading work and if work is being done through them, the respondents cannot obstruct the same and if there is any such illegal obstruction, the police is bound to ensure maintenance of law and order and prevent any such unlawful obstruction.

In the result, this writ petition is disposed of directing the 1st respondent to ensure that no obstruction is being caused by respondents 6 to 9 or their men in the matter relating to the loading and unloading work being carried on by the petitioner through his registered workers and ensure maintenance of law and order.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge