

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C).No. 6939 of 2015 (N)

PETITIONER(S):

**P. MOHAMMEDKUTTY AGED 58 YEARS
S/O.ABOO, PROPRIETOR
SHAREEFA ENGINEERING AND ALUMINIUM ANODISERS
KAITHAVALAPPA ROAD, TIRUR -676 101.**

BY ADV. SRI.M.P.MOHAMMED ASLAM

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY, DEPARTMENT OF HOME
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.**
- 2. THE DISTRICT SUPERINTENDENT OF POLICE
MALAPPURAM, OFFICE OF THE SUPERINTENDENT OF POLICE
MALAPPURAM - 676 505.**
- 3. CIRCLE INSPECTOR OF POLICE, TIRUR - 676 101.**
- 4. PANNIKKANDATHIL ASHRAF
SON OF HAMZA, KANATH, CHEMBRA ROAD
TIRUR -676 101.**
- 5. MOHAMMED SHAREEF
SON OF LATE MOOSAKUTTY, PARAMBATH HOUSE, KAKKADAV
TIRUR - 676 101.**
- 6. ABDUL SALAM K
S/O.ABDULLA, KALLUVETTIKUZHIYIL HOUSE, IRIMBLIYAMKUNNU
TIRUR - 676 101.**
- 7. SWATANTRA THOZHILALI UNION
TIRUR TOWN, OFFICE OF THE SWATANTRA THOZHILALI UNION
NEAR RAILWAY FOOT OVER-BRIDGE, MUNICIPAL BUILDING
MARKET, TIRUR - 676 101.**

**8. CENTRE FOR INDIAN TRADE UNIONS (CITU)
TIRUR TOWN, REPRESENTED BY ITS SECRETARY, V.GOVINDAN
OFFICE OF THE CENTRE FOR INDIAN TRADEUNIONS (CITU)
NEAR RAILWAY FOOT OVER-BRIDGE, MUNICIPAL BUILDING
MARKET, TIRUR - 676 101.**

BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P-1: TRUE COPY OF THE REGISTRATION CERTIFICATE ISSUED BY THE GENERALMANAGER, DISTRICT INDUSTRIES CENTRE, MALAPPURAM DATED 9.3.1989

EXT.P-2: TRUE COPY OF THE APPLICATION SUBMITTED BY MR.JULFIKAR, S/O.AHAMMED ALI, RAIPUR-244924 DATED 25.2.2015

EXT.P-3: TRUE COPY OF THE APPLICATION SUBMITTED BY MR.ASFAK, S/O.IKBAL, RAIPUR - 244924 DATED 25.2.2015

EXT.P-4: TRUE COPY OF THE APPLICATION SUBMITTED BY MR.IRFANALI, S/O.FIDDAN ALI, DUNDAVASWAR-24 DATED 25.2.2015

EXT.P-5: TRUE COPY OF THE APPLICATION SUBMITTED BY MR.LATHEEF, S/O.LATE ASSAINAR, THENGACHERY VALAPPIL HOUSE, TIRUR 25.2.2015

EXT.P-6: TRUE COPY OF THE APPLICATION SUBMITTED BEFORE THE SECOND RESPONDENT DATED 28.2.2015

EXT.P-7: TRUE COPY OF THE APPLICATION SUBMITTED BEFORE THE THIRD RESPONDENT DATED 28.2.2015

EXT.P-8: TRUE COPY OF THE IDENTITY CARD ISSUED TO MR.IRFAN, SON OF FIDDAN ALI DT 20.6.2015.

EXT.P-9: TRUE COPY OF THE IDENTITY CARD ISSUED TO MR.LATHEEF, SON OF LATE ASSAINAR DATED 20.6.2015.

RESPONDENT(S)' EXHIBITS NIL

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PS to Judge

Rp

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 6939 of 2015

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Dated this, the 12th day of August, 2015

J U D G M E N T

Shaffique, J.

Petitioner has approached this Court seeking police protection alleging that respondents 4 to 8 and their men are obstructing the petitioner from carrying on the loading and unloading work in the small scale industrial unit under the name and style "*M/s.Shareefa Engineering & Aluminium Anodisers*", located at Kaithavalappa Road, Near Municipal Bus Stand, Tirur.

2. During the pendency of the writ petition, petitioner had produced Exts.P8 and P9, which are the registration cards issued in favour of its permanent workers under the Kerala Headload Workers Act and the Rules framed thereunder. Petitioner submits that he is only carrying on the loading and unloading work through the permanent workers as mentioned above and, therefore, the private respondents have no right to demand that their members alone should be permitted to carry on the loading

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and unloading work. Though notice was issued to respondents 4 to 8, there is no appearance on their behalf.

3. Having regard to the aforesaid factual situation, we are of the view that since the petitioner is carrying on the loading and unloading work only through his registered workers as evident from Exts.P8 and P9, the 3rd respondent shall ensure that no law and order situation arises nor any obstruction is created in the loading and unloading work being carried on by the petitioner in his business premises through the persons mentioned in Exts.P8 and P9.

Writ petition is disposed of as above.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

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PS to Judge