

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 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

WP(C).No. 11278 of 2013 (H)

PETITIONER(S) :

SRI MAHESWAR ASSOCIATES
WITH TRADE NAME SIVA BUILDINGS SOLUTIONS, AMBALLUR
PUDUKKAD P.O., NENMANIKKARA VILLAGE
THRISSUR REPRESENTED BY ITS MANAGING PARTNER CHANDRAN M.M.

BY ADVS.SRI.HARISANKAR V. MENON
SMT.MEERA V.MENON
SRI.MAHESH V.MENON

RESPONDENT(S) :

1. STATION HOUSE OFFICER
PUDUKKAD POLICE STATION, THRISSUR DISTRICT-680683.
2. THE CHAIRMAN
KERALA HEADLOAD WORKERS WELFARE BOARD, SUB OFFICE
ALLOOR, ALOOR P.O., PIN-680683
THRISSUR DISTRICT.
3. THE SECRETARY
COUNCIL OF INDIAN TRADE UNIONS, NENMANIKKARA
PUDUKKAD P.O., THRISSUR DISTRICT-680683.
4. THE SECRETARY
INDIAN NATIONAL TRADE UNION CONGRESS, NENMANIKKARA
PUDUKKAD P.O., THRISSUR DISTRICT-680683.
5. THE SECRETARY
BHARATHEEYA MAZDOOR SANGH, NENMANIKKARA, PUDUKKAD P.O.
THRISSUR DISTRICT-680683.

R3 -R 5 BY ADV. SRI.A.JAYASANKAR
R3 -R 5 BY ADV. SRI.MANU GOVIND
R3 -R 5 BY ADV. SRI.JOPHY POTHEN KANDANKARY
BY Sr.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
BY SRI.C.S. AJITH PRAKASH, SC, KHWWB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
25-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1- COPY OF LICENSE ISSUED BY THE NENMANIKKARA GRAMA
PANCHAYATH dtd. 25-06-2010.

EXHIBIT P1(a)- COPY OF LICENSE ISSUED BY THE NENMANIKKARA GRAMA
PANCHAYATH dtd. 21-12-2012.

EXHIBIT P2- COPY OF THE SALES TAX REGISTRATION CERTIFICATE
dtd. 15-6-2012.

EXHIBIT P3- COPY OF ORDER ISSUED BY THE REGISTEREING AUTHORITY UNDER
THE KERALA HEAD LOAD WORKER RULES & ASST. LABOUR OFFICER
dtd. 24-12-2012.

EXHIBIT P4- COPY OF THE IDENTITY CARD ISSUED BY THE ASST. LABOUR
OFFICER, IRINJALAKUDA.

EXHIBIT P4(a)- COPY OF THE IDENTITY CARD ISSUED BY THE ASST. LABOUR
OFFICER, IRINJALAKUDA.

EXHIBIT P4(b)- COPY OF THE IDENTITY CARD ISSUED BY THE ASST. LABOUR
OFFICER, IRINJALAKUDA.

EXHIBIT P4(c)- COPY OF THE IDENTITY CARD ISSUED BY THE ASST. LABOUR
OFFICER, IRINJALAKUDA.

EXHIBIT P4(d)- COPY OF THE IDENTITY CARD ISSUED BY THE ASST. LABOUR
OFFICER, IRINJALAKUDA.

EXHIBIT P4(e)- COPY OF THE IDENTITY CARD ISSUED BY THE ASST. LABOUR
OFFICER, IRINJALAKUDA.

EXHIBIT P5- COPY OF COMPLIANT FILED BY THE PETITONER BEFORE THE 1ST
RESPONDENT dtd. 19-04-2013.

EXHIBIT P5(a)- COPY OF RECEIPT ISSUED BY THE 1ST RESPONDENT
dtd. 21-04-2013.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

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

W.P.(C)No.11278 of 2013

Dated this the 25th day of November, 2015.

J U D G M E N T

SHAFFIQUE, J.

The petitioner has approached this Court seeking police protection alleging obstruction being caused by respondents 3 to 5 in the matter relating to loading and unloading works being carried on by the petitioner in his business premises.

2. It is submitted by the learned counsel for the 2nd respondent that the area in question is not a scheme covered area.

3. Under such circumstances, the petitioner is entitled to employ his own workmen for the loading and unloading activities, which cannot be obstructed by respondents 3 to 5.

4. An interim order has already been passed by this Court on 23.4.2013 directing the police to maintain law and order and to provide adequate protection to the petitioner if

any obstruction is caused by respondents 3 to 5 while carrying on the loading and unloading works.

5. Hence we close this writ petition with liberty to the petitioner to approach the police, if any further obstruction is caused from the side of respondents 3 to 5 in the matter relating to loading and unloading works being carried on by the petitioner in his premises by employing his own workmen.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A. to Judge