

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN
&
THE HONOURABLE SMT. JUSTICE P.VASHA

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No. 9780 of 2015 (V)

PETITIONER :

KUNJAYSHU, W/O.ABU A.K. AGED 61 YEARS
PROPRIETRIX, SHAKTHI CEMENTS WORKS, PYTHOTU ROAD,
PERAMBRA, KOZHIKODE DISTRICT, PIN- 673 525

BY ADV. SRI.JOHN JOSEPH(ROY)

RESPONDENTS :

1. THE CIRCLE INSPECTOR OF POLICE,
OFFICE OF THE C.I.OF POLICE, PERMABRA,
KOZHIKODE DISTRICT, -673525
2. THE SUB INSPECTOR OF POLICE, PERMABRA POLICE STATION,
PERAMBRA, KOILANDY TALUK, KOZHIKODE DISTRICT PIN- 673 525
3. THE ASSISTANT LABOUR OFFICER, OFFICE OF THE ALO,
KOILANDI P.O, KOZHIKODE DISTRICT PIN - 673505
4. KOOLIKANDI KAREEM, SECRETARY STU, NEAR PERAMBRA HIGH SCHOOL,
PERAMBRA, KOZHIKODE DISTRICT PIN - 673 525
5. RAMDAS PADINJAREMOTTEMMAD, SECRETARY CITU ASSARIMUKKU
MENHANNIAM P.O., PERAMBRA, KOZHIKODE DISTRICT, PIN - 673 525
6. N.M.ASHRAF NENOTH MEETHAL, SECRETARY HMS UNIT, ERAVATTOOR P.O,
PERAMBRA, KOZHIKODE DISTRICT, PIN- 673 525

R BY SR.GOVERNMENT PLEADER SRI.R.PADMARAJ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE ACKNOWLEDGMENT AND ALLOCATION OF ENTREPRENEURS MEMORANDUM NUMBER, ISSUED BY THE DISTRICT INDUSTRIES CENTRE DATED 31.12.2009

EXT.P2 : COPY OF THE PETITION DATED 30.12.2014 SUBMITTED BEFORE THE 1ST RESPONDENT

EXT.P3 : COPY OF THE ACKNOWLEDGMENT OF P-2 ISSUED BY THE 1ST RESPONDENT

EXT.P3(A) : TRUE TRANSLATION OF EXHIBIT P3 RECEIPT

EXT.P4 : COPY OF THE INSPECTION REPORT OF THE 3RD RESPONDENT

EXT.P4(A) : TRUE TRANSLATION OF EXT.P4

EXT.P5 : COPY OF THE COMPLAINT FILED BEFORE THE 1ST RESPONDENT ON 10.2.2015

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

**K.SURENDRA MOHAN
&
P.V.ASHA, JJ.**

W.P.(C)No.9780 of 2015

Dated this the 26th day of March, 2015

J U D G M E N T

K.Surendra Mohan, J.

The petitioner, proprietrix of a small scale industrial unit manufacturing cement bricks, concrete windows, doors etc. at Perambra, has filed this writ petition complaining of obstruction to the conduct of her unit from respondents 4 to 6. According to the petitioner, the cement packets that come to her industrial establishment in trucks were being unloaded by her own employees. Respondents 4 to 6 have been demanding the work of unloading cement packets and creating obstructions to the work of the unit raising unreasonable demands. It is the further case of the petitioner that, she has approached the 3rd respondent for registration of her employees under the Kerala Headload Workers Act, 1978, and that the said applications are pending. She seeks the issue of appropriate directions for the smooth functioning of her industrial unit.

2. The learned Government Pleader on instructions submits that, there is no law and order problem in the industrial unit of the petitioner. It is true that, respondents 4 to 6 are demanding work from the petitioner for unloading the cement packets that come to

her industrial unit. The Government Pleader submits that, respondents 1 and 2 would take necessary action in accordance with law, if there are any law and order problems.

In view of the submission made by the learned Government Pleader that, appropriate action would be taken to prevent any law and order problem consequent to the dispute between the petitioner and respondents 4 to 6, this writ petition is disposed of recording the same and directing respondents 1 and 3 to ensure that, no law and order problem is created. With respect to the resolution of the labour dispute, it is for the parties to approach the 3rd respondent under the relevant provision of law.

Sd/-
K.SURENDRA MOHAN, JUDGE.

Sd/-
P.V.ASHA, JUDGE.

AV