

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

WP(C) .No. 10662 of 2015 (G)

PETITIONER(S) :-

K.GOPALAKRISHNA PILLAI,
MANAGING DIRECTOR
M/S. ASSOCIATED ENGINEERING CORPORATION PVT. LTD
BEACH ROAD, KOLLAM-691 001

BY ADVS.SRI.SHABU SREEDHARAN
SRI.S.VIJAYAN
SRI.N.MUHAMMAD SAJU
SRI.C.PAULOSE
SRI.SREEDHARAN KARATTA
SMT.RESHMA ABDUL RASHEED

RESPONDENT(S) :-

1. THE COMMISSIONER OF POLICE
KOLLAM CITY, KOLLAM - 691 001.
2. THE SUB INSPECTOR OF POLICE,
KOLLAM EAST POLICE STATION, KOLLAM - 691 001.
3. SHAMEER, CONVENER, INTUC, -HEAD LOAD WORKERS UNION
BEACH ROAD UNIT, NEAR AMBADI LODGE, KOLLAM - 691 001.
4. RAFI, CONVENER, CITU-HEAD LOAD WORKERS UNION
BEACH ROAD UNIT, NEAR AMBADI LODGE, KOLLAM-691 001.

ADDL.5.THE CHAIRMAN, KERALA HEADLOAD WORKERS WELFARE FUND BOARD,
KERALA LABOUR WELFARE FUND BOARD BUILDING,
VANCHIYOOR, THIRUVANANANTHAPURAM - 695 035.

ADDL.R5 IS IMPEADED AS PER ORDER DATED 27.5.2015 IN
I.A.6652/2015.

ADDL.R5 BY ADV. SRI.C.S. AJITH PRAKASH, SC, KHWWB
R1 & R2 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHIBIT P1 : THE TRUE COPY OF THE CERTIFICATE OF REGISTRATION
DATED 24-09-2009.

EXHIBIT P2 : THE TRUE COPY OF THE RECEIPT DATED 27-02-2015.

EXHIBIT P3 : THE TRUE COPY OF THE REGISTRATION CERTIFICATE DATED
27-11-2013.

EXHIBIT P4 : THE TRUE COPY OF THE PETITION DATED 20-03-2015.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.10662 of 2015

Dated this the 28th day of July 2015

J U D G M E N T

Shaffique, J

The petitioner has approached this Court seeking police protection inter alia contending that respondents 3 and 4 and their men are preventing the petitioner from carrying on loading and unloading work in connection with the business being conducted by the petitioner.

2. Additional 5th respondent submits that since the area being a scheme covered area, the petitioner has to take workers from the pool for carrying out the said work. Right now, the petitioner does not have any registered workers as per the provisions of the Kerala Headload Workers Act and the Rules framed thereunder. Under such circumstances, it may not be possible for the petitioner to engage their own workers for loading and unloading works.

3. Having regard to the fact that respondents 3 and 4 are demanding loading and unloading work, they being members of the pool, we do not think that the petitioner is entitled to object the demand in respect of loading and unloading work being

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carried out in the petitioner's premises. Under such circumstances, we do not think that we will be justified in granting police protection as prayed for in this writ petition. However, we make it clear that it shall be open for the petitioner to register his own permanent workers under the Kerala Headload Workers Rules and thereafter, if there is any cause of action, it shall be open for the petitioner to approach the police.

With the above observation, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE