

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 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 11863 of 2015 (G)

PETITIONER :

M/S.SUN BUILDING MATERIALS,
XIV/460 A, MUKHARIKUNNU, MAIN ROAD,
CHELAKKARA P.O, THRISSUR-680 586,
REPRESENTED BY MANAGING PARTNER, N.J.ISAC.

BY ADV. SRI.DILIP J. AKKARA

RESPONDENT(S):

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1. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF INTERNAL AFFAIRS, SECRETARIAT,
THIRUVANANTHAPURAM. PIN-695 001
 2. S.I. OF POLICE,
CHELAKKARA POLICE STATION, CHELAKKARA P.O.,
THRISSUR- 680 586
 3. SWATHANTHRA THOZHILALI UNION (STU),
CHELAKKARA UNIT, REPRESENTED BY ITS SECRETARY,
MUKHARIKUNNU P.O, CHELAKKARA P.O., THRISSUR- 680 586
 4. CENTRE OF INDIAN THOZHILALI UNIONS (CITU),
CHELAKKARA UNIT, REPRESENTED BY ITS SECRETARY,
MUKHARIKUNNU P.O, CHELAKKARA, THRISSUR- 680 586

***ADDL.R5 IMPEADED**

*Addl.R5. KERALA HEADLOAD WORKERS WELFARE FUND BOARD,
THRISSUR, REPRESENTED BY CHAIRMAN,
JAIHIND MARKET BUILDING, THRISSUR - 680 001.

*IS IMPEADED AS THE ADDITIONAL 5TH RESPONDENT AS PER ORDER
DATED 10.04.2015 IN IA.NO. 5546/15.

R1 & R2 BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R3 BY ADV. SRI.ANOOP.V.NAIR
R4 BY ADV. SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA
ADDL.R5 BY ADV. SRI.C.S. AJITH PRAKASH, SC, KHWWB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: PHOTOCOPY OF PETITIONER'S REGISTRATION CERTIFICATE DATED 26.03.2015 UNDER KERALA SHOPOS AND COMMERCIAL INSTITUTIONS ACT WITH ENGLISH TRANSLATION
- P2: PHOTOCOPY OF PETITIONER'S LICENSE NO.458/2014-15 DATED 03.03.2015 ISSUED BY THE CHELAKKARA GRAMA PANCHAYATH WITH ENGLISH TRANSLATION
- P3: PHOTOCOPY OF COMPLAINT DATED 31.03.2015 FILED BY PETITIONER BEFORE 2ND RESPONDENT S.I WITH ENGLISH TRANSLATION
- P4: PHOTOCOPY OF RECEIPT DATED 31.03.2015 ISSUED BY 2ND RESPONDENT WITH ENGLISH TRANSLATION

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

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ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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W.P (C) No. 11863 of 2015

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Dated this, the 8th day of June, 2015

J U D G M E N T

Shaffique, J

Petitioner carrying on the business of distribution of building materials has approached this Court seeking police protection *inter alia* contending that respondents 3 and 4 and their men are creating obstruction in the matter relating to carrying on the loading and unloading work in their premises. It is submitted that the area in question is not a scheme covered area coming under the provisions of the Kerala Headload Workers Act or Rules framed thereunder. According to the petitioner, respondents 3 and 4 cannot demand any right to provide loading and unloading work to them or their members, the same not being a scheme covered area.

2. Learned standing counsel appearing on behalf of the 5th respondent admits the fact that the area in question is not a scheme covered area. An interim order had already been granted

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by this Court on 24/4/2015 directing the police to grant sufficient protection for carrying out loading and unloading work in the premises of the petitioner by his own employees.

3. Having regard to the fact that the area in question is not a scheme covered one, if there is any obstruction from the side of respondents 3 or 4 or their men, police is bound to ensure that law and order is maintained and sufficient protection is granted to the petitioner to carry on the loading and unloading work by their own employees.

In the result, this writ petition is allowed and there will be a direction to the 2nd respondent to ensure that law and order situation is maintained in the matter relating to loading and unloading work carried on by the petitioner by his own employees.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge