

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No. 20822 of 2015 (C)

PETITIONER(S):

**NAIMY E.J., PRORPIETOR,
M/S.THARAKAN'S CEMENT PRODUCTS,
KOTTAPADY P.O., THRISSUR - 680 505.**

BY ADV. SRI.DILIP J. AKKARA

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF INTERNAL AFFAIRS,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. ASST. LABOUR OFFICER, GURUVAYUR,
LABOUR OFFICE, GURUVAYUR - 680 101.**
- 3. S.I. OF POLICE, GURUVAYUR POLICE STATION,
GURUVAYUR, THRISSUR - 680 001.**
- 4. KERALA HEAD LOAD WORKERS WELFARE FUND BOARD,
THRISSUR, REPRESENTED BY CHAIRMAN,
JAIHIND MARKET BUILDING, THRISSUR - 680 001.**
- 5. CENTRE OF INDIAN THOZHILALI UNIONS (CITU),
GURUVAYUR UNIT, REPRESENTED BY ITS SECRETARY,
CITU OFFICE, KIZHAKKE NADA, GURUVAYUR - 680 101.**

**R1 TO R3 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R4 BY SRI.V.E.ABDUL GAFOOR, SC,**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: PHOTOCOPY OF PETITIONER'S ENTREPRENEURSHIP CERTIFICATE
DTD.11.7.2014 ISSUED BY THE DISTRICT MISSION CO-ORDINATOR.**

**EXT.P2: PHOTOCOPY OF THE ACKNOWLEDGMENT DTD.10.3.2014 ISSUED BY THE
DISTRICT INDUSTRIES CENTRE, THRISSUR.**

**EXT.P3: PHOTOCOPY OF LICENCE NO.31/02 DTD.18.4.2015 ISSUED BY GURUVAYUR
MUNICIPALITY WITH ENGLISH TRANSLATION.**

**EXT.P4: PHOTOCOPY OF THE COMPLAINT DTD.20.6.2015 SUBMITTED BEFORE
THE 3RD RESPONDENT S.I. OF POLICE WITH ITS ENGLISH TRANSLATION.**

**EXT.P5: PHOTOCOPY OF APPLICATIONS DTD.30.6.2015 SUBMITTED BY PETITIONER'S
MANAGER PRINSON TL.**

**EXT.P5(a): PHOTOCOPY OF APPLICATIONS DTD.30.6.2015 SUBMITTED BY
PETITIONER'S EMPLOYEE NIJO TJ.**

**EXT.P5(b): PHOTOCOPY OF APPLICATIONS DTD.30.6.2015 SUBMITTED BY
PETITIONER'S EMPLOYEE PREMDAS M.**

**EXT.P5(c): PHOTOCOPY OF APPLICATIONS DTD.30.6.2015 SUBMITTED BY
PETITIONER'S EMPLOYEE THARKESWAR.**

**EXT.P5(d): PHOTOCOPY OF APPLICATIONS DTD.30.6.2015 SUBMITTED BY
PETITIONER'S EMPLOYEE BHUPENDR.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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W.P (C) No. 20822 of 2015

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Dated this, the 10th day of July, 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court seeking police protection. According to her, she is running a brick manufacturing unit, which is being obstructed by private respondents demanding loading and unloading work. According to her, her permanent workers had already submitted application before the competent authority seeking registration under Rule 26A of the Kerala Headload Workers Rules, which is pending consideration. In the meantime, respondents 4 and 5 and their men are obstructing the activities. Though complaints were given to the police, no action had been taken in the matter. Therefore, the petitioner has approached this Court.

2. It is not in dispute that the area in question is a

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scheme covered area and in that event the headload workers in the area who are attached to the place are entitled to do the loading and unloading work. Learned counsel for the petitioner submits that the loading and unloading work being done by the petitioner's permanent workers are only incidental to the other work being carried on by them. We do not think that such issues can be decided by this Court in a writ petition under Article 226 of the Constitution of India and that too in a police protection matter nor can the police resolve such issues. If the petitioner has such a case, she will have to approach the concerned authority under the Headload Workers Act and Rules and obtain necessary orders in that regard.

3. Having regard to the aforesaid factual situation, we do not think that a direction as sought for can be granted. We can only observe that, if the petitioner's permanent workers are registered in terms with the Headload Workers Act and the Rules, thereafter, it shall be open for the petitioner to approach the

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police, if any obstruction is caused in the matter.

With the above observation, the writ petition is closed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

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PS to Judge