

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 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

WP(C).No. 21387 of 2015 (W)

PETITIONER:

ANTONY P.P., AGED 55 YEARS,
S/O.PORINJU, PANAKKADAN HOUSE,
AMBAKKAD, PUZHAKKAL P.O,
THRISSUR DISTRICT.

BY SRI.RENJITH THAMPAN (SENIOR ADVOCATE)
ADV. SMT.P.R.REENA

RESPONDENT(S):

1. SUPERINTENDENT OF POLICE,
THRISSUR RURAL, CIVIL STATION,
THRISSUR, PIN - 680 003.
2. SUB INSPECTOR OF POLICE,
GURUVAYUR POLICE STATION, GURUVAYUR,
THRISSUR DISTRICT, PIN - 680101.
3. HEADLOAD WORKERS UNION (CITU),
KANDANISSERY UNIT,
REPRESENTED BY ITS SECRETARY,
KANDANISSERY, GURUVAYUR, THRISSUR, PIN - 680 101.

*ADDL. R4 IMPEADED

4. KERALA HEAD LOAD WORKERS WELFARE BOARD,
3RD MAIN ROAD, MANNUTHI, THRISSUR,
KERALA - 680 651.

ADDL.R4 IMPEADED AS PER ORDER DATED 04.08.2015 IN IA 11071/15.

R3 BY ADV. SRI.I.V.PRAMOD
R1 & R2 BY SENIOR GOVT. PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

mbr/

WP(C).No. 21387 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1 :** TRUE COPY OF THE FORM G DEALERS LICENSE DATED 2.6.2015
ISSUED BY THE MINING AND GEOLOGY DEPARTMENT.
- EXT.P2 :** CERTIFICATE OF REGISTRATION FOR STORING, PROCESSING AND
SELLING MINERALS, DATED 02.06.2015 ISSUED BY THE MINING AND
GEOLOGY DEPARTMENT.
- EXT.P3 :** TRUE COPY OF THE COMPLAINT DATED 12.07.2015 FILED BY THE
PETITIONER ALONG WITH ENGLISH TRANSLATION.
- EXT.P3(A) :** TRUE COPY OF THE RECEIPT ISSUED BY THE OFFICE OF THE
2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

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

W.P.(C)No.21387 of 2015

Dated this the 16th day of November, 2015.

J U D G M E N T

SHAFFIQUE, J.

The petitioner has approached this Court seeking police protection. It is inter alia contended that the petitioner is a dealer of M-sand (granite aggregates). He has sales depot at Chowannur in Kandaniserry village. According to them, they have valid license and permission for conducting such dealership. It is also stated that all the loading and unloading work is being done by mechanical devices and therefore there is no activity of manual loading and unloading work. However, the members of 3rd respondent are preventing the petitioner from doing the work through mechanical devices and is even demanding 'nokkukuli' for loading the materials that are brought to his business premises.

2. The learned counsel appearing for the 3rd respondent submits that they have only demanded the work of loading and unloading and if it is done through mechanical devices, their right to carry on the work will substantially be effected.

3. But the fact remains that if the petitioner does not employ any manual labour and the entire work of loading and unloading work is done by mechanical devices, the 3rd respondent or their men cannot demand for such work. If at all they have any right, their remedy is not to physically obstruct the work being carried on by the petitioner; they have to approach the concerned labour authorities.

Under such circumstance, the writ petition is allowed as under.

If there is any obstruction from 3rd respondent or their men in the matter relating to loading and unloading works being carried on by the petitioner using mechanical devices, the

2nd respondent shall ensure maintenance of law and order situation and shall also ensure that no obstruction is caused by 3rd respondent or their men in the loading and unloading works.

However, this order is without prejudice to right of 3rd respondent to approach labour authorities to redress their grievances in the matter.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A. to Judge