

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 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

WP(C).No. 21462 of 2015 (G)

PETITIONER(S):

SUDHEER KUMAR B AGED 50 YEARS
PROPRIETOR, M/S.SOLVE PLASTIC PRODUCTS, THOLICODE PO
PUNALUR, KOLLAM PIN-691 333.

BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.SREEKUMAR (KOLLAM)
SRI.ANIL ELGIN
SRI.S.BIJU (KIZHAKKANELA)
SRI.S.VINCENT
SRI.S.JOSE

RESPONDENT(S):

1. THE DISTRICT POLICE CHIEF (KOLLAM RURAL)
OFFICE OF THE DISTRICT POLICE CHIEF (KOLLAM RURAL)
KOTTARAKKARA, KOLLAM, PIN-691 533.

2. THE SUB INSPECTOR OF POLICE, PATHANAPURAM POLICE STATION
PATHANAPURAM, KOLLAM, PIN-689 695.

3. THE SECRETARY
HEAD LOAD WORKERS WELFARE FUND BOARD, HEAD QUARTERS
NEAR NORTH RAILWAY STATION ERNAKULAM, KOCHI-682018.

4. RAJAN
CONVENOR, CITU, KADAKKAMON
PATHANAPURAM KOLLAM, PIN-689 695.

5. PURUSHAN
CONVENOR, INTUC (A), KADAKKAMON
PATHANAPURAM KOLLAM, PIN-689 695.

6. K.R.RAJENDRAN
CONVENOR, INTUC (I), KADAKKAMON
PATHANAPURAM KOLLAM, PIN-689 695.

7. MURALEEDHARAN
CONVENOR, KTUC (M), KADAKKAMON
PATHANAPURAM KOLLAM, PIN-689 695.

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8. MADHU
CONVENOR, AITUC, KADAKKAMON
PATHANAPURAM KOLLAM, PIN-689 695.

R1 AND R2 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R3 BY SRI.C.S. AJITH PRAKASH, SC, KHWWB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S) ' EXHIBITS

P1 :A TRUE COPY OF THE AGREEMENT DATED 14-3-2011 BETWEEN THE PETITIONER AND THE SECRETARY DISTRICT PANCHAYATH KOLLAM.

P2 :A TRUE COPY OF THE RECEIPT NO.B 3514580 DATED 2-3-2015 ISSUED BY THE PIRAVANTHOOR GRAMA PANCHAYATH.

P3 :A TRUE COPY OF THE COMPLAINT DATED 12-7-2015 BEFORE THE 2ND RESPONDENT

P3(A) : AN ENGLISH TRANSLATION OF EXT P3.

P4 :A TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT DATED 13-7-2015.

P4(A) : AN ENGLISH TRANSLATION OF EXT P4.

P5 : A TRUE COPY OF THE REPRESENTATION DATED 14-7-2015 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

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

W.P.(C).No. 21462 of 2015

Dated this the 17th July, 2015

JUDGMENT

Ashok Bhushan, CJ.

Heard learned counsel for the petitioner and the learned Government Pleader as well as the learned counsel appearing for the third respondent. No notice is being issued to respondents 4 to 8, in view of the order, which is being passed.

2. By this Writ Petition the petitioner has prayed for a direction to respondents 1 and 2 to provide adequate and effective Police protection for conducting loading and unloading work in the petitioner's industrial unit. The petitioner is the proprietor of M/s.Sole Plastic Products. The petitioner was allotted 5 sheds of 600 Sq.Ft. each by the District Mini Industrial Estate at Kadakkaman on rental basis for setting up of an industrial unit. The petitioner's case is that the location of the industrial unit is not within the area covered by any scheme for headload workers. But respondents 4 to 8 are claiming that their members are entitled to headload work in the petitioner's

industrial unit. The petitioner in this context has filed Exhibit P5 complaint dated 14.7.2015 before the Police.

3. Learned counsel appearing for the Headload Workers Welfare Fund Board submits that the area is not a scheme covered area.

In the above view of the matter, we direct the second respondent to provide adequate protection to the petitioner for carrying out the work of loading and unloading by engaging his own workers without any obstruction from respondents 4 to 8.

The Writ Petition is disposed of as above.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs17/7/15