

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 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

WP(C).No. 21613 of 2015 (B)

PETITIONER(S) :

JOY K MATHEWS, AGED 53 YEARS,
S/O.K.K.MATHAI,
KOTTAMKOLLIL HOUSE, KADAYIRUPPU P.O.
ERNAKULAM DISTRICT.

BY ADVS.SRI.T.O.XAVIER
SMT.V.SETHUKUTTY AMMA

RESPONDENT(S) :

1. INTUC UNION, KOLLENCHERRY UNIT, REP.BY SECRETARY,
E.K.KURIAN, ITTIPOTTAKKAL HOUSE, PERINGOL
KOLENCHERRY P.O.-682 311.
2. CITU UNION, KOLENCHERRY UNIT, REPRESENTED BY SECRETARY,
N.V.KRISHNANKUTTY, NEDUMPARAMBIL HOUSE
KINGINIMATTOM P.O., KOLENCHERRY-682 311.
3. SUB INSPECTOR OF POLICE, KUNNATHUNAD POLICE STATION,
P.O.PATTIMATTOM-683 562.
4. CIRCLE INSPECTOR OF POLICE, KUNNATHUNAD POLICE STATION,
P.O.PATTIMATTOM-683 562.
5. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, TRIVANDRUM-695 001.
- ADDL.6. KERALA HEAD LOAD WORKERS WELFARE FUND BOARD,
ERNAKULAM DISTRICT COMMITTEE,
PUTHENCROUZ SUB OFFICE, GOVT.SERVANT OF CO-OPERATIVE
SOCIETY BUILDING P O-682308.
REP.BY CHAIRMAN IMPEADED AS PER ORDER DATED
9.10.2015 IN I.A.No.14667/15.

R1 & 2 BY ADV. SRI.K.S.ARUN KUMAR
ADDL R6 BY ADV. SRI.V.E.ABDUL GAFOOR
BY Sr.GOVERNMENT PLEADER SRI.C.R. SYAMKUMAR
BY SRI.C.S. AJITH PRAKASH, SC, KHWWB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1: A TRUE COPY OF THE QUARRYING PERMIT FOR EXTRACTION OF LATERITE BUILDING STONE LISENCE NO.19/15-6/MM/LBS/CRPS/DOE/2823/E2/15 DATED 15TH JUNE, 2015.

EXT.P2: A TRUE COPY OF THE LAND TAX RECEIPT ISSUED BY THE MAZHUVANNUR VILLAGE, DATED 22.12.2014.

EXT.P2(a): A TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P2.

EXT.P3: A TRUE COPY OF THE PETITION DATED 14.7.2015 TO THE 3RD RESPONDENT.

EXT.P3(a): A TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P3.

EXT.P4: A TRUE COPY OF THE PETITION DATED 14.7.2015 TO THE 4TH RESPONDENT.

EXT.P4(a): A TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P4.

Ext.P5 : A TRUE COPY OF THE COMPLAINT FORWARDED TO THE 6TH RESPONDENT DATED 28.7.2015.

EXT.P5(a) : A TRUE COPY OF ENGLISH TRANSLATION OF EXT.P5.

EXT.P6 : A TRUE COPY OF THE REPLY ISSUED BY THE 6TH RESPONDENT.

EXT.P6(a) : A TRUE COPY OF ENGLISH TRANSLATION OF EXT.P6.

RESPONDENT(S) ' EXHIBITS

EXT.R(2)(a): A TRUE COPY OF THE LETTER DATED 23.7.2012 SENT BY the CHAIRMAN OF THE KERALA STATE HEAD LOAD WORKER WELFARE BOARD TO THE 2ND RESPONDENT.

EXT.R(2)(b) : A TRUE COPY OF THE LETTER DATED 23.7.2012 SENT BY the CHAIRMAN OF THE KERALA STATE HEAD LOAD WORKER WELFARE BOARD TO THE 1ST RESPONDENT.

EXT.R(2)(c) : A TRUE COPY OF THE ENGLISH TRANSLATION OF THE LETTER DATED 23.7.2012 SENT BY the CHAIRMAN OF THE KERALA STATE HEAD LOAD WORKER WELFARE BOARD TO THE 2ND RESPONDENT.

EXT.R(2)(d) : A TRUE COPY OF THE ENGLISH TRANSLATION OF THE LETTER DATED 23.7.2012 SENT BY the CHAIRMAN OF THE KERALA STATE HEAD LOAD WORKER WELFARE BOARD TO THE 1ST RESPONDENT.

EXT.R(2)(e) : A TRUE COPY OF THE REPRESENTATION DATED 6.7.2015 SENT BY THE 2ND RESPONDENT TO THE BOARD.

Contd.....

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EXT.R(2)(f) : A TRUE COPY OF THE ENGLISH TRANSLATION OF THE REPRESENTATION DATED 6.7.2015 SENT BY THE 2ND RESPONDENT TO THE BOARD.

EXT.R(2)(g) : A TRUE COPY OF THE NOTICE DATED 9.3.2004.

EXT.R(2)(h) : A TRUE COPY OF THE ENGLISH TRANSLATION OF THE NOTICE DATED 9.3.2004.

EXT.R(2)(i) : A TRUE COPY OF THE LETTER DATED 30.9.2015.

EXT.R(2)(j) : A TRUE COPY OF THE ENGLISH TRANSLATION OF THE LETTER DATED 30.9.2015.

//TRUE COPY//

P.A.TO JUDGE

ami/

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

W.P.(C)No.21613 of 2015

Dated this the 3rd day of November, 2015.

J U D G M E N T

SHAFFIQUE, J.

The petitioner has approached this Court seeking police protection in the matter. It is submitted that the loading and unloading works in the quarry owned by him are being carried out through his own workmen. It is submitted that respondents 1 and 2 are obstructing the loading and unloading works being carried on by the petitioner without any reason. The petitioner also submits that he has his own workmen to carry out the work in his establishment.

2. The learned counsel appearing for the additional 6th respondent has filed a counter affidavit inter alia contending that the area in question is not a scheme covered area.

3. In the aforesaid factual situation, we are of the view that, respondents 1 and 2 cannot claim for the loading and unloading work as the area in question is not a scheme

covered area.

In the result, this petition is allowed. There will be a direction to the 3rd respondent to ensure maintenance of law and order situation in the area and also to ensure that no obstruction is being created by respondents 1 and 2 in the matter relating to the working of the Quarrying Unit being undertaken by the petitioner.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A. to Judge