

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 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WP(C).No. 21731 of 2015 (N)

PETITIONER :

**ANTONY MANEEK
S/O.MANEK, AGED 67 YEARS
KOCHERY, KOOVAPPADI P.O.,
KOOVAPPADI VILLAGE, KUNNATHUNADU TALUK
ERNAKULAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS :

- 1. RAVI CHANDRAN,
S/O.NAMSHIVAYA, AGED ABOUT 45 YEARS
CITU UNION MEMBER, NELAMPATHI
ANAYAPPANCHELLA, PAMPAMPALAM P O,
PALAKKAD DISTRICT – 678621.**
- 2. KRISHNAKUMAR,
S/O.KUNJU, AGED ABOUT 35 YEARS
CITU UNION MEMBER, MELEPURAKKAL HOUSE
KONGANPARA, KOZHIPARA P.O., PALAKKAD – 678557.**
- 3. UDAYAN,
S/O.ARUCHAMI, AGED ABOUT 35 YEARS
INTUC UNION MEMBER, ANAYAPPANCHALLA
PAMPAMPALLAM P.O., PALAKKAD DISTRICT – 678621.**
- 4. P. FRANCIS
S/O.BHAGYAM,
PICHAMATHOOR VEEDU,
INTUC UNION MEMBER,
PADINJARE KONGAMPARA, KOZHIPARA P.O.,
PALAKKAD DISTRICT – 678557.**
- 5. HANEEFA
S/O.KHADAR, RAVOOTHAR SHA, PULAMPARA
CITU UNION MEMBER, WALAYAR P.O.,
PALAKKAD DISTRICT – 678 624.**

6. THE DISTRICT POLICE CHIEF
PALAKKAD, PALAKKAD DISTRICT - 678001

7. THE INSPECTOR OF POLICE
PUDUSSERY POLICE STATION,
PALAKKAD DISTRICT - 678007

8. THE SUB INSPECTOR OF POLICE
WALAYAR POLICE STATION,
PALAKKAD DISTRICT – 678624.

*ADDL. R9 IMPEADED

*ADDL.R9. THE KERALA STATE HEAD LOAD WORKERS WELFARE BOARD,
PALAKKAD DISTRICT COMMITTEE
REPRESENTED BY ITS CHAIRPERSON
PIN-678651.

*IS IMPEADED AS PER ORDER DATED 29.07.2015 IN IA NO. 10945/15.

R1 TO R5 BY ADV. SRI.K.RAVI (PARIYARATH)
R6, R7 & R8 BY SR. GOVT. PLEADER SRI. C.R. SYAMKUMAR
ADDL.R9 BY ADV. SRI.C.S. AJITH PRAKASH, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...3/-

WP(C).No. 21731 of 2015 (N)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1: TRUE COPY OF THE CERTIFICATE DTD. 29/6/2015 ISSUED BY THE DISTRICT GEOLOGIST, PALAKKAD TO THE PETITIONER.
- EXT. P2:- TRUE COPY OF LICENCE DTD. 30/6/2015 ISSUED BY THE SECRETARY, PUTHUSSERY GRAMA PANCHAYATH TO THE PETITIONER AND ITS ENGLISH TRANSLATION.
- EXT. P3:- TRUE COPY OF THE OWNERSHIP CERTIFICATE ISSUED BY THE SECRETARY, PUTHUSSERY GRAMA PANCHAYATH TO THE PETITIONER.
- EXT. P4:- TRUE COPY OF THE CERTIFICATE DTD. 27/12/2011 ISSUED BY THE SENIOR TOWN PLANNER, CHIEF TOWN PLANNING OFFICE, THIRUVANANTHAPURAM AND ITS ENGLISH TRANSLATION.
- EXT. P5:- TRUE COPY OF THE CONSENT TO OPERATE STONE CRUSHER ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD DTD. 23/7/2014 TO THE PETITIONER.
- EXT. P6:- TRUE COPY OF THE CERTIFICATE ISSUED BY THE MANAGER, DISTRICT INDUSTRIES CENTRE, PALAKKAD DTD. 28/1/2015.
- EXT. P7:- TRUE COPY OF THE NO OBJECTION CERTIFICATE DTD. 25/6/2014 ISSUED BY THE ASSISTANT DIVISIONAL OFFICER, FIRE AND RESCUE SERVICES, PALAKKAD.
- EXT. P8:- TRUE COPY OF THE COMPLAINT DTD. 4/7/2015 SUBMITTED BY THE PETITIONER BEFORE THE SIXTH RESPONDENT WITH COPY TO THE RESPONDENTS 7 AND 8.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

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

W.P.C.No.21731 of 2015

Dated this the 3rd day of August 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court seeking police protection inter alia alleging that respondents 1 to 5 and their men are obstructing the functioning of the metal crusher unit run by the petitioner. It is stated that the petitioner is running a metal crusher unit in the property having an extent of 1.28 acres of land in Sy.No.629/3, 4 , 5 of Pudussery East village, Palakkad.

2. It is submitted by the petitioner that all the loading and unloading work in relation to the functioning of his unit is being done through mechanical devices and there is no head load work. However, on the guise of demanding loading and unloading work, respondents 1 to 5 are demanding huge amounts as “nokku coolie”. They are also preventing the functioning of the unit by demanding such amount and their staff are being threatened with dire consequences.

3. Petitioner submitted a complaint to the police for necessary protection, but since no action has been taken, this writ petition is filed.

4. Learned counsel appearing for respondents 1 to 5 submits that they have not demanded nokku coolie. They have only demanded manual loading and unloading work in the premises of the petitioner's unit.

5. Learned counsel appearing on behalf of additional 9th respondent, Kerala State Head Load Workers Welfare Board submits that it is a scheme covered area. The learned counsel for the petitioner, however, submits that they have no objection in giving any loading and unloading work to respondents 1 to 5 or their members, the area being a scheme covered area. But the petitioner is carrying on most of the loading and unloading work by mechanical devices, which cannot be obstructed by respondents 1 to 5 or their men.

6. Having regard to the aforesaid factual circumstances, we dispose of the writ petition as under:

i) Petitioner is entitled to carry on loading and unloading work using mechanical devices which cannot be obstructed by

respondents 1 to 5 or their men

ii) If there is any such obstruction, 8th respondent shall ensure maintenance of law and order.

iii) If there is any manual loading and unloading work in the premises of the petitioner's establishment, the same shall be done only through the registered workers from the pool of the locality.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

