

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C).No. 22683 of 2015 (I)

PETITIONER(S):

**JOHNSON P.K. AGED 60 YEARS,
S/O. KUNJUVAREED,
PAREKADAN HOUSE, MURINGOOR PO,
ATTAPADAM, THRISSUR DT.
(PROPRIETOR, KAVALAKKAT TRADERS, DOOR NO.1/85a,
MURINGOOR PO, ATTAPPADAM, THRISSUR DT)**

**BY ADVS.SRI.P.SAMSUDIN
SRI.K.C.ANTONY MATHEW
SRI.JITHIN LUKOSE**

RESPONDENT(S):

- 1. STATE OF KERALA REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM 95001.**
 - 2. SUB INSPECTOR OF POLICE,
KORATTY POLICE STATION,
KORATTY PO 680308, THRISSUR DT.**
 - 3. THE PRESIDENT, HEAD LOAD WORKERS UNION,
(CITU) KORATTY, KORATTY PO 680308,
THRISSUR DT.**
 - 4. THE PRESIDENT, HEAD LOAD WORKERS UNION,
(BMS) KORATTY,
KORATTY PO 680308, THRISSUR DT.**
 - 5. THE PRESIDENT, HEAD LOAD WORKERS UNION,
(INTUC) KORATTY, KORATTY PO 680308,
THRISSUR DT.**
- ADDL.R6. THE DISTRICT EXECUTIVE OFFICER,
HEAD LOAD WORKERS WELFARE FUND BOARD,
THRISSUR 680 001.**

(ADDL.R6 IMPEADED AS PER ORDER DT 4/8/2015 IN IA 11149/15)

**R6 BY ADV. SRI.C.S.AJITH PRAKASH
ADDL 6 BY ADV. SRI.A.N.RAJAN BABU, SC, KHWWB
BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE LICENSE DT 4.6.2015 ISSUED BY THE SECRETARY, KORATTY GRAMA PANCHAYAT WITH TRUE ENGLISH TRANSLATION.

EXT.P2: TRUE COPY OF THE REGISTRATION CERTIFICATE DT 15.7.15 ISSUED UNDER THE KERALA SHOPS AND COMMERCIAL ESTABLISHMENTS ACT, 1960 WITH TRUE ENGLISH TRANSLATION.

EXT.P3: TRUE COPY OF THE CHALLAN FOR PAYMENT OF REGISTRATION FEE UNDER THE KVAT ACT.

EXT.P4: TRUE COPY OF THE COMPLAINT DT 21.7.15 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT AND ITS RECEIPT DT 22.7.2015 IS ISSUED TO THE PETITIONER WITH TRUE ENGLISH TRANSLATION.

//True Copy//

PS to Judge

Rp

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 22683 of 2015

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Dated this, the 12th day of August, 2015

J U D G M E N T

Shaffique, J.

Petitioner has approached this Court seeking police protection *inter alia* contending that respondents 3 to 5 are obstructing the loading and unloading work being carried on his business premises, viz., M/s Kavalakkat Traders. According to the petitioner, the loading and unloading work is only incidental to the main work being carried on in the said establishment and, therefore, respondents 3 to 5 have no right to demand the loading and unloading work.

2. Learned counsel appearing for the additional 6th respondent submits that the area in question is a scheme covered area. Under such circumstances, if there is any loading and unloading work, petitioner will have to employ the workers from the pool in the area in question unless, the petitioner has their own registered workers. Even according to the petitioner, they do

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not have any permanent workers who are registered as per the Kerala Headload Workers Act and the Rules framed thereunder. Under such circumstances, petitioner will have to engage the workers from the pool itself for carrying on the loading and unloading work. Petitioner has no dispute about the nature of work being carried on and their remedy is to approach the competent authority under the Headload Workers Act and the Rules framed thereunder. We do not think that the police can interfere in such issues. Accordingly, this writ petition is dismissed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge