

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WP(C) .No. 24404 of 2015 (A)

PETITIONER(S) :-

I-MALL EXPRESS HYPERMARKET, BYPASS JUNCTION,
AYATHIL, KOLLAM RUN BY IBAJ TRADING ESTABLISHMENT
ANCHALUMMOODU, PERINAD P.O., KOLLAM -691 601
REPRESENTED BY ITS ADMINISTRATION MANAGER
MR.V. SADANANDAN NAIR, MANODHANYA, NEERAVIL
PERINAD P.O., KOLLAM - 691 601.

BY ADV. SRI.C.UNNIKRISHNAN (KOLLAM)

RESPONDENT(S) :-

1. STATE OF KERALA REPRESENTED BY ITS SECRETARY TO
GOVERNMENT, DEPARTMENT OF HOME, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE CITY POLICE COMMISSIONER, KOLLAM-691 001.
3. THE SUB INSPECTOR OF POLICE, KILIKOLLOOR-691 001.
4. HEAD LOAD WORKERS WELFARE FUND BOARD,
KOLLAM-691 001, REPRESENTED BY ITS SECRETARY.
5. HEAD LOAD WORKERS UNION,
INTUC, AYATHIL BYPASS JUNCTION UNIT, AYATHIL
KOLLAM-691 001, REPRESENTEDN BY ITS CONVENOR.
6. HEAD LOAD WORKERS UNION CITU
AYATHIL, BYE PASS JUNCTION UNIT, AYATHIL
KOLLAM-691 001, REPRESENTED BY ITS CONVENER.

R1 TO R3 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R4 BY SRI.C.S. AJITH PRAKASH, SC, KHWB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C) .No. 24404 of 2015 (A)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHIBIT-P1-TRUE COPY OF THE COMPLAINT SUBMITTED BY THE MANAGER
OF THE PETITIONER BEFORE 3RD RESPONDENT DATED 16/06/2015.

EXHIBIT-P2-TRUE COPY OF THE JUDGMENT DATED 06/08/2014 IN W.P
(C) 17186/2014 OF THIS HON'BLE COURT IN RESPECT OF
PETITIONER'S GODOWN.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
K. VINOD CHANDRAN, J.**

W.P.(C) No.24404 of 2015

Dated this the 18th day of September 2015

J U D G M E N T

Ashok Bhushan, CJ.

Heard the learned counsel for the petitioner, the learned Government Pleader as well as the learned counsel appearing for the 4th respondent.

2. Though notices were issued to respondents 5 and 6 and which have been served, no one entered appearance on behalf of them.

3. By this writ petition, the petitioner has prayed for a direction to respondents 2 and 3 to provide adequate protection for loading and unloading work in the hyper market premises of the petitioner from the obstructions created by respondents 5 and 6. It is submitted that since the area is not a scheme covered area, the petitioner is entitled to carry on the work by his own workers. This Court has already passed an interim order on 17.8.2015 directing the police authorities to ensure that no obstruction is created by respondents 5 and 6.

4. Learned counsel appearing for the Board submits that the area is not a scheme covered area.

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5. In the above view of the matter, we are of the view that since the area is not a scheme covered area, the petitioner is entitled to carry on his work by his own workers.

Under such circumstances, we dispose of the writ petition directing the 3rd respondent to ensure that no obstruction is being created by respondents 5 and 6 in the petitioner carrying on the loading and unloading work by his own workers.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
K. VINOD CHANDRAN
JUDGE**