

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 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 26915 of 2015 (L)

PETITIONER(S):

COMTRUST SUPER DESIGNER TILES PVT. LTD.,
OLAVAKKODE, PALAKKAD -678 002,
REPRESENTED BY ITS GENERAL MANAGER.

BY ADVS.SMT.P.VIJAYAMMA,
SRI.V.KRISHNA MENON,
SRI.U.K.DEVIDAS,
SMT.UMA GOPINATH.

RESPONDENT(S):

1. UNITED HEAD LOAD WORKERS UNION (CITU, INTUC, BMS, STU),
REPRESENTED BY ITS SECRETARY, 27TH POOL,
JAINEEMEDU LOADING OFFICE, VADKKANTHARA POST,
PALAKKAD- 678 012.
2. SUB INSPECTOR OF POLICE,
PALAKKAD TOWN NORTH POLICE, PALAKKAD-678 014.
3. THE DISTRICT LABOUR OFFICER,
CIVIL STATION, PALAKKAD-1.
4. THE ASSISTANT LABOUR OFFICER,
CIRCLE-1, CIVIL STATION, PALAKKAD-1.
5. THE HEADLOAD WORKERS WELFARE FUND BOARD,
1ST FLOOR, M.A. COMPLEX, T.B. ROAD,
PALAKKAD-678 014, REPRESENTED BY ITS SECRETARY.
6. JAI HIND RAMLAKHAN, SURAI P.O.,
PHARIHAN, AZAMGHARH, UTTAR PRADESH,
NOW LABOUR CONTRACTOR,
COMTRUST SUPER DESIGNER TILES PVT. LTD.,
OLAVAKKODE, PALAKKAD- 678 002.

R2 TO R4 BY SR. GOVT. PLEADER SRI.C.R. SYAMKUMAR.
R5 BY ADVS. SRI.C.A.MAJEED, SC.
SRI.C.S. AJITH PRAKASH, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1 TRUE COPY OF THE RECEIPTS ISSUED ACKNOWLEDGING RECEIPT
 OF THE REQUISITE FEE FOR LICENCE.
- EXHIBIT P2 TRUE COPY OF THE REMINDERS DATED 03-08-2015 SUBMITTED BY
 THE PETITIONER AND THE 5TH RESPONDENT.
- EXHIBIT P3 TRUE COPY OF THE COMPLAINT DATED 01-09-2015 ALONG WITH ITS
 ENGLISH TRANSLATION.
- EXHIBIT P4 TRUE COPY OF THE ACKNOWLEDGMENT ISSUED ACKNOWLEDGING
 RECEIPT OF EXT.P3.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ASHOK BHUSHAN, C.J.
&
A.M. SHAFFIQUE, J.
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W.P. (C) No. 26915 of 2015

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Dated this, the 8th day of September, 2015

J U D G M E N T

Shaffique, J.

Petitioner has approached this Court seeking police protection in the matter relating to loading and unloading work being conducted by the petitioner through his workmen. It is stated that the loading and unloading work in the petitioner's premises is only incidental to the main work of manufacture and sale of tiles. Going by the averments in the writ petition, we do not think that such a factual matter can be considered in this writ petition for police protection.

2. Learned standing counsel appearing on behalf of the 5th respondent submits that the area in question is a scheme covered area and therefore, the petitioner will have to engage workers from the pool registered in the said area. That apart, the Assistant Labour Officer has also initiated conciliation proceedings. Learned counsel for the petitioner however submits

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that their application for registering their workmen under Rule 26A of the Kerala Headload Workers Rules are pending since 2013. If there is any delay in the matter relating to the application submitted by the petitioner, it is for the petitioner to take appropriate steps in accordance with law.

3. As matters stand today, petitioner cannot carry on the loading and unloading work through the workers engaged by him and if there is any demand by the 1st respondent, it cannot be curtailed by grant of police protection.

In the result, we do not find any merit in the above writ petition and the same is dismissed.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge