

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 26989 of 2015 (W)

PETITIONER(S):

**K.K. PRADEEP, EXECUTIVE PARTNER,
M/S. BEST ENGINEERING CO.,
"SUNLAY"BUILDING, 19/1996 A & B ROOMS,
(NEW NO.37/3257) MADHAVAN NAIR ROAD,
CHALAPURAM, CALICUT-2.**

**BY ADVS.SRI.SHAJI THOMAS,
SRI.BINU PAUL,
SRI.T.V.VINU,
SRI.B.RAJESH (KOTTAYAM).**

RESPONDENT(S):

- 1. COMMISSIONER OF POLICE,
KOZHIKODE CITY, KOZHIKODE -673 001.**
- 2. CIRCLE INSPECTOR OF POLICE,
KASABA POLICE STATION,
JAIL ROAD, KOZHIKODE- 673 004.**
- 3. SUB INSPECTOR OF POLICE,
KASABA POLICE STATION,
JAIL ROAD, KOZHIKODE- 673 004.**
- 4. CHAIRMAN,
HEADLOAD WORKER'S WELFARE BOARD,
CHEROOTTY ROAD, KOZHIKODE -673 001.**
- 5. SECRETARY,
DISTRICT HEADLOAD WORKERS UNION (CITU),
ANNIE HALL ROAD, KOZHIKODE 673 002.**
- 6. GENERAL SECRETARY,
INTUC DISTRICT COMMITTEE,
CHEROOTTY ROAD, KOZHIKODE -673 001.**

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**7. GENERAL SECRETARY,
STU DISTRICT COMMITTEE, STU CENTRE,
KOORIYIL LANE, KOZHIKODE -673 032.**

**8. ASSISTANT LABOUR OFFICER,
KOZHIKODE CIRCLE-II, CIVIL STATION,
KOZHIKODE- 673 020.**

R1 TO R3 & R8 BY SR. GOVT. PLEADER SRI.C.R. SYAMKUMAR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1 TRUE COPIES OF THE IDENTITY CARDS ISSUED TO PETITIONER'S REGULAR HEADLOAD WORKERS BY THE 8TH RESPONDENT, UNDER RULE 26A OF THE KERALA HEAD LOAD WORKERS RULES, 1981, ALONG WITH ITS ENGLISH TRANSLATION.
- EXHIBIT P2 TRUE PHOTO COPY OF THE JUDGEMENT DATED 17-02-2011 IN WP(C) NO 19115 OF 2009 OF THIS HON'BLE COURT.
- EXHIBIT P3 TRUE COPY OF THE REGISTRATION CERTIFICATE NO.831/09 DATED 03-06-2009 ISSUED BY THE ASSISTANT LABOUR OFFICER ALONG WITH ITS ENGLISH TRANSLATION.
- EXHIBIT P4 TRUE COPY OF THE JUDGMENT DATED 17-02-2011 IN W.P(C) NO 4012 OF 2011 OF THIS HON'BLE COURT.
- EXHIBIT P5 TRUE COPY OF THE JUDGMENT DATED 27-07-2011 IN W.P(C) NO 12507 OF 2011 OF THIS HON'BLE COURT.
- EXHIBIT P6 TRUE PHOTOCOPY OF THE REGISTRATION CERTIFICATE NO.412/2015 DATED 09-07-2015 NOTING THE CHANGE OF ADDRESS OF THE PETITIONER'S GODOWN ALONG WITH ITS ENGLISH TRANSLATION.
- EXHIBIT P7 TRUE PHOTO COPY OF THE APPLICATION DATED 07-08-2015 SUBMITTED BEFORE THE 8TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.
- EXHIBIT P8 TRUE COPY OF THE COMPLAINT DATED 01/09/2015 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.26989 of 2015

Dated this the 10th day of September 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the petitioner and the learned Government Pleader. No notice is being issued to respondents 4 to 7 in view of the judgment being passed today.

2. Petitioner, by this writ petition, has prayed for a direction to respondents 1 to 3 to give effective and adequate police protection to the petitioner and his workers to do loading and unloading work at the godown or any other business premises of the petitioner's establishment from the obstruction caused by respondents 5 to 7 and their men.

3. Petitioner's case is that he runs a partnership business establishment which supplies machine tools and accessories. Petitioner's further case is that he has his own registered workers. It is submitted that he has shifted his godown to a new premises in June 2015 in the jurisdictional limits of the 8th respondent and that, now obstructions are being created by respondents 4 to 7.

Petitioner has submitted a complaint, Ext.P8. It is also submitted that he has earlier approached this Court twice and this Court by order at Exts.P2, P4 and P5 had directed the police authorities to provide protection to the petitioner to carry on the work from his registered workmen and also directed to take adequate steps to stop obstruction, if any.

4. The learned Government Pleader, on instructions, submits that police authorities are ready to provide adequate protection with regard to the new premises where petitioner's godown has been shifted, in view of the fact that petitioner is carrying on work by his registered workers.

Recording the aforesaid submission of the learned Government Pleader, we dispose of this writ petition with a direction to the 2nd respondent to provide adequate protection to the petitioner to carry on work from his registered workers at the new godown.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFIQUE, JUDGE)

jsr

