

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 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

WP(C).No. 27715 of 2015 (L)

PETITIONER(S) :

K.RAJAN, CONVENOR,
BHARATHEEAYA HEAD LOAD WORKERS UNION (BMS) ,
THEKKAKKAVU UNIT, AYITHIL P.O. ,
KOLLAM-691 021.

BY ADVS.SRI.C.RAJENDRAN
SRI.K.R.RANJITH

RESPONDENT(S) :

1. DISTRICT COLLECTOR,
COLLECTORATE,
KOLLAM DISTRICT-691 013.
2. CITY POLICE COMMISSIONER,
KOLLAM CITY,
KOLLAM DISTRICT-691 001.
3. SUB INSPECTOR OF POLICE,
ERAVIPURAM POLICE STATION,
KOLLAM DISTRICT-691 011.
4. FIROSKHAN S/O.ASEES, AANATHARA VADAKKATHIL,
GANDHINAGAR, AYITHIL P.O. ,
KOLLAM DISTRICT-691 021.
5. NIZAMUDIEN, S/O.MAJEED,
VELIKKADUVADAKKATHIL, MISSION PURAYIDAM,
AYITHIL P.O. , KOLLAM DISTRICT-691 021.
6. SANOJ, S/O.SALIM,
VAYALILPUTHAN VEEDU,
AYITHIL P.O. ,
KOLLAM DISTRICT-691 021.
7. SAJAD, S/O.SALIM,
VAYALILPUTHAN VEEDU,
AYITHIL P.O. , KOLLAM DISTRICT-691 021.
8. SUNIL, S/O.KABEER, VAYALILPUTHAN VEEDU,
S/O.SALIM, VAYALILPURAN VEEDU, AYITHIL P.O. ,
KOLLAM-691 021.

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9. R.RAJU CONVENOR, AITUC GOPALALSSERI UNIT,
AYITHIL P.O., KOLLAM 691 021.
10. THE DISTRICT LABOUR OFFICER, KOLLAM DISTRICT,
KOLLAM-691 001.
11. ASSISTANT LABOUR OFFICER, KOLLAM-691 001.

R1 TO R3 AND R10 AND R11 BY STATE ATTORNEY
SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.P.(C) No.27715 of 2015

Dated this the 14th day of September 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court seeking for police protection. It is inter alia contended that in respect of his business premises, where loading and unloading work is being done, there was certain issues between the petitioner and the 9th respondent, which was already settled by the Assistant Labour Officer and the parties have made certain arrangements to carry on the work in the said supermarkets in terms of the agreement. However, respondents 4 to 8, the members of other union are obstructing the petitioner from carrying out the loading and unloading work. Though complaint was given to the police to interfere in the matter, no action has been taken and therefore, the petitioner has approached this Court.

2. Learned State Attorney on instructions would submit that though the petitioner has around 11 members, only four of them have been registered under the Kerala Headload Workers Act and Rules framed thereunder whereas the petitioner intended

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to employee all the 11 persons which was objected to by other union and their members.

3. Having regard to the aforesaid factual situation, we do not think that the police can interfere and resolve the dispute between various unions. If at all the petitioner has any objection in regard to the obstruction being created by other members of the union, it is for him to approach the District Labour Officer and the police can act only in terms of the decision of the District Labour Officer in that regard.

Under such circumstances, we dispose of the writ petition permitting the petitioner to approach the District Labour Officer and in any event, the District Labour Officer passes any order in regard to the internal dispute between various unions, the police can act accordingly.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE