

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 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C) .No. 31479 of 2015 (H)

PETITIONER(S) :-

1. CYNTHIA TRESA MICHAEL, D/O.MICHAEL, PARTNER,
PHILJO CORPORATION, BYE-PASS ROAD,
CHANGANASSERY, KOTTAYAM DISTRICT.
2. JOSEPH PHILIP, S/O.LATE PHILIP, PARTNER,
PHILJO CORPORATION, BYE-PASS ROAD,
CHANGANASSERY, KOTTAYAM DISTRICT.

BY ADV. SRI.KOSHY GEORGE

RESPONDENT(S) :-

1. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM - 695 025.
2. THE CIRCLE INSPECTOR OF POLICE,
OFFICE OF THE CIRCLE INSPECTOR,
CHANGANASSERY, KOTTAYAM DISTRICT - 686 101.
3. THE SUB INSPECTOR OF POLICE,
CHANGANASSERY POLICE STATION, CHANGANASSERY,
KOTTAYAM DISTRICT - 686 101.
4. THE KERALA HEAD LOAD WORKERS WELFARE FUND BOARD,
REPRESENTED BY ITS CHAIRPERSON,
KOTTAYAM DISTRICT - 686 001.
5. THE KOTTAYAM DISTRICT HEAD LOAD & GENERAL WORKER'S
ASSOCIATION (CITU), REGISTER No.131/70,
CHANGANASSERY AREA COMMITTEE, CHANGANASSERY,
KOTTAYAM DISTRICT-686 101
REPRESENTED BY ITS SECRETARY.

R4 BY ADV. SRI.V.E.ABDUL GAFOOR

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 15-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :-

EXT.P1 :- TRUE COPY OF THE PARTNERSHIP DEED DATED 25.8.2015.

EXT.P2 :- TRUE COPY OF THE CERTIFICATE OF REGISTRATION ISSUED BY THE COMMERCIAL TAXES DEPARTMENT.

EXT.P3 :- TRUE COPY OF THE IDENTITY CARD ISSUED TO JOSEPH CHERIAN.

EXT.P4 :- TRUE COPY OF THE IDENTITY CARD ISSUED TO SANJAY PASWAN.

EXT.P5 :- TRUE COPY OF THE IDENTITY CARD ISSUED TO PAPAPU SHAH.

EXT.P6 :- TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT DATED 8.10.2015.

EXT.P6(a) :- TRUE ENGLISH TRANSLATION OF EXT.P6.

EXT.P7 :- TRUE COPY OF THE RECEIPT ISSUED FROM THE 2ND RESPONDENT OFFICE ALONG WITH ITS ENGLISH TRANSLATION.

RESPONDENT'S EXHIBITS :- NIL.

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.31479 of 2015

Dated this the 15th day of October 2015

J U D G M E N T

Shaffique, J.

The petitioners have approached this Court seeking for police protection in the matter relating to functioning of their business establishment. It is stated that the petitioners are partners of a registered firm, namely; 'Philjo Corporation', which does the business of cement items, iron, steel and sanitary wares. The complaint of the petitioners is that the 5th respondent Union and its members are obstructing the business activities, namely; loading and unloading work. According to the petitioners, it is not a scheme covered area and that apart, the petitioners have its own registered workers, who had obtained identity cards as per Rule 26A of the Kerala Head Load Workers' Act and Rules framed thereunder. Exts.P3, P4 and P5 are the identity cards. The petitioners submit that they are carrying on loading and unloading work in the establishment through the said workers.

2. The learned Government Pleader on instructions would submit that on 14.10.2015 the parties including the petitioners were called to the police station and talked over the matter and

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the 5th respondent has in fact, agreed that if the petitioners are carrying on the loading and unloading work through their own registered workers, they have no objection. Further, it is agreed that if there is any additional work, it shall be entrusted to the members of the 5th respondent.

3. Having regard to the fact that the issues involved has already been settled, we are of the view that no further direction is required to be passed in the case. However, we only observe that if there is any further obstruction from the side of the 5th respondent or their men in the matter relating to loading and unloading work being carried on by the petitioners through their own registered workers, on the request of the petitioners, the police shall interfere in the matter and ensure maintenance of law and order.

With the above observation, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE