

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 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

WP(C).No. 32808 of 2015 (A)

PETITIONER(S):

**FAJJARUDDEEN.K.I., AGED 32 YEARS,
S/O ISMAIL RATHER, PROPRIETOR, KOCHUTHUNDIYIL TILES,
XIV 511A, KANGAZHA GRAMA PANCHAYATH, PATHANADU,
CHANGANACHERY TALUK, KOTTAYAM DISTRICT,
RESIDING AT KOCHUTHUNDIYIL,
KANGAZHA GRAMA PANCHAYATH, PATHANADU,
CHANGANACHERY TALUK, KOTTAYAM DISTRICT.**

BY ADV. SRI.P.V.VENUGOPAL

RESPONDENT(S):

- 1. SUB INPSECTOR OF POLICE, KARUKACHAL PIN:686540.**
- 2. SUNNY, KUZHIJATTU THAKADIYIL HOUSE, PATHANADU P.O.,
KANGAZHA GRAMA PANCHAYATH, KOTTAYAM DISTRICT
PIN:P686541.**
- 3. JIBBIN SUNNY, KUZHIJATTU THAKADIYIL HOUSE, PATHANADU P.O.
KANGAZHA GRAMA PANCHAYATH, KOTTAYAM DISTRICT,
PIN:686541.**
- 4. SATHEESHAN, KUZHIJATTU THAKADIYIL HOUSE, PATHANADU P.O.
KANGAZHA GRAMA PANCHAYATH, KOTTAYAM DISTRICT,
PIN:686541.**
- 5. NOUSHAD,
NADUVILEDATHU HOUSE, PATHANADU P.O.,
KANGAZHA GRAMA PANCHAYATH, KOTTAYAM DISTRICT,
PIN:P686541.**
- 6. ADV.C.K.JOSEPH, CHEERAMATTAM HOUSE, DEVAGIRI P.O.,
KANGAZHA GRAMA PANCHAYATH, KOTTAYAM DISTRICT,
PIN:686555.**

R1 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF LICENSE ISSUED TO PETITIONER BEARING NO.A5-1757/15(27) DATED 8.5.2015 BY SECRETARY KANGAZHA GRAMA PANCHAYATH.**
- EXHIBIT P2: TRUE COPY OF TRANSLATION OF LICENSE ISSUED TO PETITIONER BEARING NO.A5-1757/15(27) DATED 8.5.2015 BY SECRETARY KANGAZHA GRAMA PANCHAYATH.**
- EXHIBIT P3: TRUE COPY OF CERTIFICATE ISSUED TO PETITIONER DATED 20.6.2015 BY COMMERCIAL TAX OFFICER 2ND CIRCLE, CHANGANACHERRY.**
- EXHIBIT P4: TRUE COPY OF PERMANENT INCOME TAX ACCOUNT, BY THE INCOME TAX**
- EXHIBIT P5: TRUE COPY OF COMPLAINT LODGED BEFORE THE 1ST RESPONDENT DATED 30.9.2015.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

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

W.P.(C) No. 32808 OF 2015

Dated this the 19th day of November, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court seeking police protection. It is contended that he is running a business enterprises under the name and style "Kochuthundiyl Tiles". According to him, the loading and unloading works are being done by using 'fork lifters', hydraulic Cranes and other mechanical devices and there is no manual loading and unloading. Petitioner complains that respondents 2 to 6 and their men are creating obstruction to the loading and unloading work done by the petitioner with mechanical devises. Though notice was issued to respondent Nos. 2 to 6, there is no appearance on their behalf.

Having regard to the aforesaid factual situation this Writ Petition is disposed of as under:

If there is any obstruction from the side of party respondents in the matter relating to loading and unloading

through mechanical devices, the 1st respondent shall ensure maintenance of law and order and also ensure that no such obstruction is being caused by respondents 2 to 6 or their men. This however is without prejudice to the right of respondent Nos.2 to 6 to demand manual loading and unloading if any in the premises of the petitioner.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**