

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 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

WP(C).No. 34418 of 2015 (B)

PETITIONER(S) :-

SREENIVASDAS @ KANNAN, AGED 45 YEARS
S/O.G.NARAYANA PILLAI, ARYA AGENCIES, ENIKKARA
KARAKULAM P.O., THIRUVANANTHAPURAM.

BY ADVS.SRI.G.RANJU MOHAN
SMT.M.SANTHI

RESPONDENT(S) :-

1. CIRCLE INSPECTOR OF POLICE, NEDUMANGAD,
THIRUVANANTHAPURAM- 695 541.
2. SATHYAN, CONVENOR, UTUC,
ENIKKARA, THIRUVANANTHAPURAM DISTRICT - 695 541.
3. DHAMODHARAN, CONVENOR,
INDEPENDENT WORKERS UNION, ENIKKARA
THIRUVANANTHAPURAM - 695 541.
4. UNNI, CONVENOR, CITU
ENIKKARA, THIRUVANANTHAPURAM.
5. CHAIRMAN,
HEAD LOAD WORKERS WELFARE BOARD, DISTRICT COMMITTEE
ERNAKULAM - 682 016.

R5 BY ADV. SRI.C.S. AJITH PRAKASH, SC
R2-R4 BY ADV. SRI.A.S.SHAMMY RAJ
R1 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C) .No. 34418 of 2015 (B)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT P1- TRUE COPY OF THE PETITION FILED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DATED 17/10/2015 WITH ENGLISH
TRANSLATION.

EXT P2 - TRUE COPY OF ACKNOWLEDGMENT RECEIPT.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.34418 of 2015

Dated this the 26th day of November 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court seeking for police protection alleging obstruction by respondents 2 to 4 in the matter relating to loading and unloading work being carried on by the petitioner in his business establishment.

2. It is submitted by the learned counsel for the 5th respondent that the area in question is not a scheme covered area.

3. Learned counsel for respondents 2 to 4 however submits that they may be permitted to carry on loading and unloading work as per the rates fixed by the Assistant Labour Officer in the said area.

4. Having regard to the fact that the area in question is not a scheme covered area, it is always open for the petitioner to engage his own workers for loading and unloading work. In the event of any such engagement by the petitioner and if the same is obstructed by respondents 2 to 4 or their men, it is the obligation of the first respondent to ensure maintenance of law and order in

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that area.

5. Under such circumstances, this writ petition is disposed of as under :-

The first respondent shall ensure maintenance of law and order in the matter relating to loading and unloading work being carried on by the petitioner with his own workers and also ensure that no obstruction is being caused by respondents 2 to 4 or their men.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**

Jvt/26.11.2015.