

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 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 35557 of 2015 (T)

PETITIONER(S):

**ARAVINDAKSHAN P., AGED 58 YEARS,
S/O. GOPALAN NAIR, POTTANATE HOUSE, AYYAPPANKAVU (PO),
MULAYAM, THRISSUR DISTRICT.**

BY ADV. SRI.JOBI JOSE KONDODY

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
MANNUTHY POLICE STATION, MANNUTHY (PO),
THRISSUR DISTRICT - 680 651.**
- 2. THE KERALA HEADLOAD WORKERS WELFARE FUND BOARD,
MANNUTHY, REPRESENTED BY ITS SECRETARY,
THE KERALA HEADLOAD WORKERS WELFARE FUND BOARD OFFICE,
MANNUTHY (PO), THRISSUR DISTRICT-680 651.**
- 3. THE SECRETARY,
HEADLOAD GENERAL WORKERS UNION, C.I.T.U., KOOTALA,
KOOTALA (PO), THRISSUR DISTRICT - 680 652.**
- 4. THE SECRETARY
HADLOAD GENERAL WORKERS UNION, I.N.T.U.C, KOOTTALA
KOOTTALA (PO), THRISSUR DISTRICT-680 652.**
- 5. THE SECRETARY,
HEADLOAD GENERAL WORKERS UNION, B.M.S., KOOTTALA,
KOOTTALA (PO), THRISSUR DISTRICT-680 652.**

**R1 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R2 BY ADV. SRI.C.S. AJITH PRAKASH, SC
R3-R5 BY ADVS. SRI.ASOK M.CHERIAN
SRI.R.ROHITH
SRI.K.JANARDHANA SHENOY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: A TRUE COPY OF QUARRYING LEASE DATED 19.1.2011 EXECUTED BY THE PETITIONER AND THE GOVERNMENT OF KERALA.

EXHIBIT P2: A TRUE COPY OF THE CONSENT TO OPERATE THE QUARRY ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD DATED 11.9.2014 VALID UPTO 30.6.2015.

EXHIBIT P3: A TRUE COPY OF THE CONSENT VARIATION ORDER DATED 1.7.2015 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD RENEWING EXHIBIT P2 UPTO 30.4.2017.

EXHIBIT P4: A TRUE COPY OF THE D & O LICENSE DATED 26.5.2015 ISSUED BY THE THRISSUR CORPORATION TO RUN THE QUARRY OF THE PETITIONER FOR THE FINANCIAL YEAR 2015-2016 AND TRANSLATION.

EXHIBIT P5: A TRUE COPY OF THE FORM LE-3 LICENSE DATED 29.9.2015 VALID UPTO 31.3.2016 ISSUED BY THE JOINT CHIEF CONTROLLER OF EXPLOSIVES FOR STOCKING EXPLOSIVES IN HIS MAGAZINE AND USING THE SAME IN THE QUARRY OF THE PETITIONER.

EXHIBIT P6: A TRUE COPY OF THE NOTICE DATED 1.12.2012 ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER AND TRANSLATION.

EXHIBIT P7: A TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER DATED 20.11.2015 BEFORE THE FIRST RESPONDENT AND TRANSLATION.

EXHIBIT P8: A TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPT DATED 21.11.2015 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS:

EXT.R3(a): A TRUE COPY OF THE "WORK CARD" DTD.17.11.2015 SIGNED BY THE PETITIONER SHOWING REMITTANCE OF WAGES OF THE WORKERS TO THE KERALA HEADLOAD WORKERS WELFARE BOARD FOR THE WORKS CARRIED OUT BY THE WORKERS IN POOL NO10.

EXT.R3(a)(1): ENGLISH TRANSLATION OF EXT.R3(a):

EXT.R3(b): A TRUE COPY OF THE "WORK CARD" DATED 18.11.2015 SIGNED BY THE PETITIONER SHOWING REMITTANCE OF WAGES OF THE WORKERS TO THE KERALA HEADLOAD WORKERS WELFARE BOARD FOR THE WORKS CARRIED OUT BY THE WORKERS IN POOL NO.10.

//TRUE COPY//

P.S.TO JUDGE

Msv/

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

W.P.(C)No.35557 of 2015

Dated this the 3rd day of December, 2015.

J U D G M E N T

SHAFFIQUE, J.

The petitioner has approached this Court seeking police protection alleging that respondents 3 to 5 are obstructing the loading and unloading works being carried on in the work site of the petitioner. It is stated that the petitioner is doing the loading and unloading works by mechanical devices and that too in vehicles having capacity of 175 cubic feet or more.

2. According to the petitioner, he is functioning a quarrying unit, for which he has got all valid licenses/ permission from the competent authorities and respondents 3 to 5 and their men have no right to prevent the petitioner from doing the loading and unloading works by using mechanical devices. It is however stated that the petitioner has engaged the members of respondents 3 to 5 Unions for doing the loading and unloading works, but on account of

fact that, nowadays, since larger vehicles like Taurus vehicles are being used for loading the granite stones, the petitioner will not be in a position to engage loading and unloading workers in the area.

3. Counter affidavit has been filed by respondents 3 to 5 inter alia stating that they have not created any obstruction in the petitioner using mechanical devices for the loading works in Taurus vehicles or the vehicles having capacity more than 175 cubic feet. It is submitted by the learned counsel for the respondents that the Union workers were carrying on the works since the inception of the Unit and there is no reason why they should not be permitted to continue the loading and unloading works.

4. The learned counsel for the 2nd respondent submits that the area in question is a scheme covered area and the petitioner himself has registered with the Board.

5. The learned Additional Director General of Prosecution would submit that on enquiry by the police, it is understood that there is no law and order problem as such.

6. However, the learned counsel for the petitioner submits that the respondent Unions had given a letter in writing stating that they will not permit the loading work in Taurus vehicles by using mechanical devices.

7. It is apparent that if vehicles having larger capacity would come for loading granite stones, it may not be possible for the head load workers to do the loading works. However, as matters stand now, according to respondents 3 to 5 Unions, the petitioner is only using smaller vehicles, in which, they are doing the loading and unloading works. However, if mechanical loading is necessary on account of the inability of the workers to do the work, the management shall take appropriate action in the matter.

8. Having regard to the above factual situation, we are of the view that, as the matter stands now, there is no necessity to issue any direction as sought for. We only observe that if the petitioner makes arrangement for loading work using mechanical devices in vehicles which are having a capacity of 175 cubic feet or more and which cannot be

manually loaded by the workers, and thereafter if any obstruction is caused by respondents 3 to 5, the police shall look into the matter and provide necessary protection to maintain law and order situation.

With the above observation, this writ petition is disposed of.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A. to Judge