

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN  
&  
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

**TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937**

**WP(C). No.36251 of 2015 (F)**  
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**PETITIONER(S):**  
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**TMV NATURAL OILS & EXTRACTS (P) LTD.,  
DOOR NO.V/678 J, DEVELOPMENT AREA, EDAYAR,  
ALUVA-683 110, REPRESENTED BY ITS MANAGING DIRECTOR,  
T.V.RAJESH SHENOY**

**BY ADVS.SRI.B.ASHOK SHENOY  
SRI.K.V.GEORGE  
SRI.P.N.RAJAGOPALAN NAIR  
SRI.P.S.GIREESH  
SRI.RIYAL DEVASSY**

**RESPONDENT(S):**  
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- 1. THE SUB INSPECTOR OF POLICE, BINANIPURAM POLICE STATION,  
MUPPATHADAM PO, ALUVA - 683 110.**
- 2. HEADLOAD WORKERS UNION (CITU),  
REG. NO.388/74, POOL NO.33, MUPPATHADAM SOUTH,  
ALUVA-683110.**
- 3. HEADLOAD WORKERS UNION (INTUC),  
REG.NO.301/76, POOL NO.33, MUPPATHADAM SOUTH,  
ALUVA-683110.**
- 4. KERALA HEADLOAD WORKERS WELFARE BOARD,  
ERNAKULAM DISTRICT COMMITTEE, KUMMENCHERI BUILDING,  
TD ROAD ERNAKULAM, KOCHI - 682 035.**

**R1 BY SENIOR GOVERNMENT PLEADER SRI. C.R.SYAM KUMAR  
R2 TO R4 BY SRI.C.S. AJITH PRAKASH, SC, KHWWB**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01-12-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS:-

- P1 - TRUE COPY OF THE SETTLEMENT DATED 14.10.2014 ENTERED INTO BETWEEN 2ND AND 3RD RESPONDENT WITH EDAYAR SMALL SCALE INDUSTRIAL ASSOCIATION, ALONGWITH ITS TRUE ENGLISH TRANSLATION.
- P2 - TRUE COPY OF THE SCHEDULE OF NEW RATE OF WAGES FIXED PURSUANT TO EXHIBIT P1 CIRCULARIZED BY 2ND AND 3RD RESPONDENTS.
- P3 - TRUE COPY OF THE NOTICE DATED 8.7.15 ISSUED BY 2ND AND 3RD RESPONDENT TO PETITIONER ALONG WITH ITS TRUE ENGLISH TRANSLATION.
- P4 - TRUE COPY OF THE COMPLAINT DATED 26.11.2015 SUBMITTED BY PETITIONER TO 1ST RESPONDENT.
- P5 - TRUE COPY OF THE NOTICE DATED 27.11.2015 ISSUED BY THE 1ST RESPONDENT TO PETITIONER, ALONG WITH ITS TRUE ENGLISH TRANSLATION.

RESPONDENT(S)' EXHIBITS:- NIL

KRJ

//TRUE COPY//

PA TO JUDGE

**ASHOK BHUSHAN, C.J**

**&**

**A.M.SHAFFIQUE, J.**

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W.P(C) No.36251 of 2015

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Dated this the 1<sup>st</sup> day of December, 2015

**JUDGMENT**

**Shaffique, J**

The petitioner has approached this Court seeking police protection in the matter relating to obstruction caused by respondents 2 and 3 from carrying out loading and unloading work in the factory premises of the petitioner.

2. It is submitted that the area in question is a scheme covered area and the work of loading and unloading in the new unit set up by the petitioner is only incidental to the main work carried on by the petitioner and that four lorry loads of materials alone would come in a month.

3. Learned counsel appearing for the 4<sup>th</sup> respondent submitted that the area in question is a scheme covered area and, therefore, the petitioner will have to engage the loading and unloading workers from the pool to carry on the said activity.

4. Whether the work of loading and unloading being carried on in the petitioner's new unit is incidental to the main work or not, is a question of fact which cannot be resolved by the police. The

petitioner will have to approach the competent authorities under the Kerala Headload Workers Act and Rules framed thereunder. Police can interfere only if there is a law and order situation. As far as the right of respondents 2 and 3 to demand such loading and unloading work is a question of fact, which cannot be resolved by the police and it is for the petitioner to approach the competent authorities.

In the light of the above factual situation, the direction for police protection sought for by the petitioner cannot be granted. Accordingly, the writ petition is dismissed reserving the petitioner's right to approach the competent authority for appropriate reliefs.

sd/-  
**ASHOK BHUSHAN**  
**CHIEF JUSTICE**

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

krj

//true copy// P.A to Judge