IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BASANT BALAJI

TUESDAY, THE 23RD DAY OF JULY 2024 / 1ST SRAVANA, 1946

WP(C) NO. 12870 OF 2021

PETITIONERS:

ASHIF ALI.C.K
AGED 28 YEARS, S/O MOHAMMED C.K. MANAGING PARTNER, HOME LAND TRADERS, 12/1184 A, BYPASS JUNCTION, RAMANATTUKARA, KOZHIKODE-673633, RESIDING AT PALANTHODUVIL HOUSE, MONGAM P.O, MORAYUR, MALAPPURAM DISTRICT, PIN-673642.
BY ADV R.RAMADAS

RESPONDENTS:

1 THE SUB INSPECTOR OF POLICE
FEROKE POLICE STATION, FEROKE, KOZHIKODE-673301.

2 THE STATION HOUSE OFFICER/CIRCLE INSPECTOR OF POLICE
FEROKE POLICE STATION, FEROKE, KOZHIKODE-673301.

3 THE SUPERINTENDENTOF POLICE
OFFICE OF THE CITY POLICE COMMISSIONER, KOZHIKODE, PIN-673001.

4 HEADLOAD WORKER'S UNION(CITU)
RAMANATTUKARA TOWN, KOZHIKODE, REPRESENTED BY ITS SECRETARY, PIN-673633.

5 HEADLOAD WORKER'S UNION (STU)
RAMANATTUKARA TOWN, KOZHIKODE, REPRESENTED BY ITS SECRETARY, PIN-673633.

6 KERALA HEADLOAD WORKERS WELFARE FUND BOARD
REPRESENTED BY ITS SECRETARY/EXECUTIVE OFFICER, NADAKKAVU, KOZHIKODE, PIN-673027.

7 THE ASSISTANT LABOUR OFFICER
OFFICE OF THE ASSISTANT LABOUR OFFICER, FEROKE, KOZHIKODE-673631.
BY ADV THOMAS ABRAHAM

OTHER PRESENT:

GP SRI. RIYAL DEVASSY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

(Dated this the 23rd day of July 2024)

The writ petition is filed for the following reliefs:

> "i) Issue a writ of mandamus or order or direction directing the respondents 1 to 3 to give adequate police protection to the petitioner for the loading and unloading works being carried on by the petitioner's own 4 permanent registered workers within the premises of the petitioner.
> ii) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents 1 to 3 to give necessary police protection to the petitioner for preventing the respondents 4 and 5 Unions and its workers from creating any obstruction to the loading and unloading works being carried on by the petitioner's own permanent registered workers within the premises of the petitioner at Ramanattukara.
> iii) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents 1 to 3 to prevent the respondents 4 and 5 Unions and its workers from creating any obstruction within the premises of the petitioner."

2. Exts.P4 to P7 are the identity cards issued to the permanent workers of the petitioner under Rule 26A of the Kerala Headload Workers' Rules. Taking note of this, an interim order was passed on 29.06.2021, directing the 2nd respondent to maintain law and order and to ensure that no obstruction is caused to the functioning of the establishment run by the petitioner by

respondents 4 and 5.

3. The counsel for the respondents submits that if the workers of the petitioner have identity cards under Rule 26A, they are entitled to work.

As mentioned earlier, Exts.P4 to P7 are the identity cards. Therefore, making the interim order dated 29.06.2021 absolute, the writ petition is allowed.

Sd/-
BASANT BALAJI
JUDGE

JS

APPENDIX OF WP(C) 12870/2021

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE LICENCE DATED 09.11.2020 ISSUED TO THE PETITIONER BY RAMANATTUKARA MUNICIPALITY.
Exhibit P	TRUE COPY OF THE JUDGMENT DATED 23.03.2021 IN WPC NO.7367/2021.
Exhibit P3	TRUE COPY OF THE ORDER DATED 03.05.2021 ISSUED BY THE ASSISTANT LABOUR OFFICER, KOZHIKODE.
Exhibit P4	TRUE COPY OF THE IDENTITY CARD ISSUED TO ROHITH KUMAR, PERMANENT WORKER OF THE PETITIONER.
Exhibit P5	TRUE COPY OF THE IDENTITY CARD ISSUED TO ARAVIND PASWAN, PERMANENT WORKER OF THE PETITIONER.
Exhibit P6	TRUE COPY OF THE IDENTITY CARD ISSUED TO MUNNA PASWAN, PERMANENT WORKER OF THE PETITIONER.
Exhibit P7	TRUE COPY OF THE IDENTITY CARD ISSUED TO LIYAKKATH ALI PERMANENT WORKER OF THE PETITIONER.
Exhibit P8	TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS 1 TO 3 ON 23.06.2021, SEEKING NECESSARY POLICE ASSISTANCE,