

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 31ST DAY OF AUGUST 2017/9TH BHADRA, 1939

WP(C).No. 27514 of 2017 (L

PETITIONER:

YASIR MOYIN P.C.,S/O P.C.MOYINKUTTY, AGED 28 YEARS,
PARASSERY HOUSE, P.O.KOODATHAI BAZAAR,
THAMARASSERY, KOZHIKODE, PIN-673573,
MANAGING PARTNER, MAHARAJA STEELS,
KARADI, THAMARASSERY, KOZHIKODE DISTRICT.

BY ADV. SRI.R.RAMADAS

RESPONDENTS:

1. THE DISTRICT SUPERINTENDENT OF POLICE
KOZHIKODE, PIN-673001.
2. THE DEPUTY SUPERINTENDENT OF POLICE
THAMARASSERY, KOZHIKODE, PIN-673573.
3. THE SUB INSPECTOR OF POLICE
THAMARASSERY, KOZHIKODE, PIN-673573.
4. HEA LOAD WORKERS UNION (CITU),
REPRESENTED BY ITS PRESIDENT V.C.VENUGOPAL,
MANIPURAM ROAD, KARADI, THAMARASSERY,
KOZHIKODE, PIN-673 573.
5. HEAD LOAD WORKERS UNION (INTUC),
REPRESENTED BY ITS PRESIDENT T.R. OMANAKUTTAN,
CHUMATTUTHOZHILALI UNION, OPPOSITE POLICE STATION,
THAMARASSERY, KOZHIKODE, PIN-673573.
6. HEAD LOAD WORKERS UNION (STU),
REPRESENTED BY ITS PRESIDENT KASSIM,
OPP.U.P.SCHOOL, KARADI,
THAMARASSERY, KOZHIKODE, PIN-673573.
7. HEAD LOAD WORKERS UNION (AITUC)
REPRESENTED BY ITS PRESIDENT UMMER P.M,
KARADI, THAMARASSERY, (RESIDENCE: UMMER P.M.,
POMBRAMALAYIL HOUSE, ELETTEL P.O,
KODUVALLY), KOZHIKODE, PIN-673573.
8. THE ASSISTANT LABOUR OFFICER
OFFICE OF THE ASSISTANT LABOUR OFFICER,
THAMARASSERY, KOZHIKODE, PIN-673573.
9. KERALA HEADLOAD WORKER'S WELFARE FUND BOARD,
REPRESENTED BY ITS SECRETARY/EXECUTIVE OFFICER,
KOZHIKODE - 673 001.

R BY GOVERNMENT PLEADER SRI.P.P.THAJUDEEN
R BY SRI.THOMAS ABRAHAM, SC, KHWBB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
31-08-2017, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE APPLICATION SUBMITTED BY THE
PETITIONER'S PERMANENT WORKER VIZ., KAMARUDDIN ANSARI.

EXHIBIT P2 TRUE COPY OF THE APPLICATION SUBMITTED BY THE
PETITIONER'S PERMANENT WORKER JALIL ANSARI.

EXHIBIT P3 TRUE COPY OF THE REGISTRATION CERTIFICATE DATED
17/6/2017 ISSUED BY THE ASSISTANT LABOUR OFFICER

EXHIBIT P4 TRUE COPY OF THE CASH RECEIPT DATED 12/6/2017 ISSUED
BY THE THAMARASSERY GRAMA PANCHAYATH.

EXHIBIT P5 TRUE COPY OF THE REPRESENTATION DATED 17/8/2017
SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS 1 TO 3

RESPONDENTS' EXHIBITS

NIL.

// TRUE COPY //

P.S. TO JUDGE

ANTONY DOMINIC, J. & DAMA SESHADRI NAIDU, J.

W.P.(C)No.27514 of 2017

Dated this the 31st day of August, 2017

JUDGMENT

Antony Dominic, J.

Petitioner is the managing partner of Maharaja Steels at Thamarassery in Kozhikode district. The loading and unloading work in his establishment was obstructed by the respondent union claiming that it being a scheme covered area they alone are entitled to do the work. The case of the petitioner was that he has his own workers and that an application made by him for registration under Rule 26A of the Kerala Head Load Workers Rules was pending since 12.6.2017.

2. Today, it is submitted by the petitioner and confirmed by the learned Government Pleader that orders have been passed on the application made by him for registration and registration has been granted. Now that his workers are registered under Rule 26A, there cannot any obstruction to the work utilising their services.

3. In such circumstances, it is ordered that in the event any obstruction is caused by the party respondents herein to the loading and unloading work of the petitioner's establishment employing its registered employees, it will be open to him to report the matter to the third respondent who thereupon will take action for removal of such obstruction.

Writ petition is disposed of.

sd/-
ANTONY DOMINIC
JUDGE

sd/-
DAMA SESHADRI NAIDU
JUDGE

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