
(2014) 11 KL CK 0253

In the High Court Of Kerala

Case No : Writ Petition (C) No. 30579 of 2014

Akbar P.

APPELLANT

Vs

Sub Inspector of Police and Others

RESPONDENT

Date of Decision : 25-11-2014

Acts Referred:

Citation : (2015) 2 KHC 523

Hon'ble Judges : Ashok Bhushan, Acting. C.J.;A.M. Shaffique, J.

Bench : Division Bench

Advocate : Mansoor B.H. and C.K. Rapheeqe, for the Appellant; P. Vijayaraghavan, State Attorney and V. Rajendran, for the Respondent

Final Decision : Disposed off

Judgement

A.M. Shaffique, J. The petitioner has approached this Court seeking police protection for carrying on loading and unloading of timber by using machineries and cranes and with the help of his permanent employees. It is inter alia contended that the petitioner is conducting a firm by name M/s. Meridian Wood Industries, engaged in the sale and manufacture of timber, firewood, rubber wood, furniture etc. The petitioner has also entered into an agreement with a person for slaughter tapping of 2163 rubber trees from the estate having an extent of 24.57 acres of land in survey No. 167/B of Akampadam Village, Nilambur Taluk. The complaint is that on 10/11/2014, when the petitioner started loading of rubber wood using cranes, a group of persons in the locality belonging to the different unions has trespassed into the premises and obstructed the loading activities. According to them, the work of loading is to be given to the headload workers in the area or else they have to be paid "Nokkucoolli". The petitioner had filed a complaint to the police, which was not considered and accordingly he has approached this Court.

2. Counter-affidavit is filed by respondents 2 to 6, inter alia stating that as per the procedure prevailing in the area, the wages of headload workers in the area are revised every first of November. Petitioner was engaging the party

respondents and their men. After first November, they demanded hike of 10% increase in wages. Thereafter the petitioner has stopped engaging the party respondents for the loading and unloading work. Being a scheme covered area, the petitioner could do loading and unloading work by using the workers from the pool and cannot engage their own workers. That apart the petitioner do not have any workers registered under the Head load Workers Rules.

3. Learned Government Pleader submits that the issue is with regard to engaging party respondents and their men for the loading and unloading work. The petitioner has been carrying on their activity by engaging respondents 2 to 6 and their men for the loading and unloading work. On 07/10/2014 they have stopped engaging the party respondents and brought in machinery. Having regard to the submissions, it is not in dispute that the area in question is a Scheme covered area under the Headload Workers Act. The petitioner can do loading and unloading work only through the registered workers. The petitioner has a case that presently he is doing his work through cranes and by employing his own workers. It is needless to say that if loading and unloading work is being done by mechanised devices, no one cannot obstruct the same. If the party respondents have a case that while doing so, the petitioner is engaging any other person for loading and unloading, they have to approach the concerned Labour Officer by claiming work. If the entire work is being done by mechanised devices, the party respondents and their men cannot demand loading and unloading work nor can they obstruct the loading work being done by the petitioner. Under such circumstances, reserving the right of the party respondents to approach the District Labour Officer, the writ petition is disposed of as under:

The first respondent shall ensure that no law and order situation arises while the work of loading and unloading work is done using mechanised devices. If any manual labour is required for loading work the petitioner shall engage only registered workers.