

(2010) 09 KL CK 0140

In the High Court Of Kerala

Case No : Writ Petition (C) No. 25361 of 2010 (U)

K.H. Muhammed Yoosuf

APPELLANT

Vs

Ajith Kumar and Others

RESPONDENT

Date of Decision : 20-09-2010

Acts Referred:

Headload Workers Rules, 1981 — Rule 26A

Citation : (2010) 09 KL CK 0140

Hon'ble Judges : K.M. Joseph, J;A.K. Basheer, J

Bench : Division Bench

Advocate : Jomy George, for the Appellant; Koshy George, SC for KHLWWB, for the Respondent

Judgement

K.M. Joseph, J.—The prayers in this writ petition are:

- i) issue a writ of mandamus or other appropriate writ, order or direction directing the respondents 6 to 8 to give adequate and effective police protection to the petitioner, his employees and to allow the petitioner for doing the loading and unloading work by the Headload Workers holding Ext.P1 to P7 identity cards without any interference by respondents 1 to 5 or any other persons under them.
- ii) issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents 6 to 8 to give adequate and effective police protection to the life of the petitioner, employees, staff and workers of the petitioner.
- iii) issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents 6 to 8 to ensure that the respondents 1 to 5 or any other person under them are not creating any sort of trouble in front of the petitioner's business shop and they are not obstructing the free ingress and egress of customers and vehicles to the petitioner's shop.
- iv) to declare that respondents 1 to 5 or any other person under them have no right to interfere with the peaceful functioning of the shop or to interfere with the loading or unloading or any other work within the premises of the shop as long

as the petitioner is doing the same by using workers who are registered under Rule 26A of the Headload Workers Rules.

2. Petitioner is a registered dealer under the Kerala Value Added Tax. In connection with his business, he is carrying on the loading and unloading work with the help of registered workers. The case of the petitioner is that respondents 1 to 5 have obstructed the loading and unloading work within the compound of the petitioner's business premises.

3. Learned Counsel appearing on behalf of the 9th respondent/Board would submit that the Kerala Headload Workers (Regulation of Employment and Welfare) Scheme is not applicable to the area where the petitioner's business establishment is situated.

4. We have already passed an interim order. After having heard learned Counsel for the parties, we dispose of the writ petition making the interim order dated 12th August, 2010 absolute.

This judgment will not stand in the way of the party respondents challenging the issue of registration in favour of the workers, before the appropriate forum.