

(2021) 01 KL CK 0283

In the High Court Of Kerala

Case No : Writ Petition (C) No. 24437 Of 2020

M/S. Pulikkottil Devices And Distributors Private Limited

APPELLANT

Vs

Station House Officer And Ors

RESPONDENT

Date of Decision : 08-01-2021

Acts Referred:

Citation : (2021) 01 KL CK 0283

Hon'ble Judges : Raja Vijayaraghavan V, J

Bench : Single Bench

Advocate : K.M. Sathyanatha Menon, Kavary S Thampi, S. Krishna Moorthy, P P Thajudeen

Final Decision : Disposed Of

Judgement

1. The petitioner is a Company registered under the Companies Act and engaged in the retail business of electronic goods. The petitioner state that they have taken on licence basis a godown at Thycattussery within the limits of Thrissur Municipal Corporation for stocking and sale of refrigerator/freezer, television sets, home appliances etc. They assert that the establishment run by the petitioner is not situated in an area where the functional operation of the Headload Workers (Regulation of Employment and Welfare) Scheme, 1983 has been implemented. They further state that they have engaged skilled persons to handle the sophisticated goods which contain electronic circuit boards and delicate parts. According to the petitioner, the party respondents claiming to be members of the respondent numbers 4 and 5 obstructed the loading and unloading works in the establishment. The petitioner states that the party respondents are neither members of the union nor have any authority or right to claim work in the

establishment run by the petitioner. When serious threats were made to the life and property of the petitioner and their employees, Exhibit P3

complaint was lodged before the respondents 1 and 2 seeking urgent intervention. The grievance of the petitioner is that the Police have refused to

interfere despite being aware that a law and order situation is likely to arise. It is in the afore circumstances that the petitioner has approached this

Court seeking for a direction to the respondents 1 and 2 to provide adequate and sufficient police protection to the workers and employees of the

petitioner for loading and unloading of goods/articles at their godown at Thycattussery with door No.14/526 of Thrissur Corporation without any

obstruction or threats from respondents 3 to 8 and their men.

2. Though notice was served to the party respondents, none appears before this Court.

3. Sri.Krishna Moorthy, the learned Standing Counsel appearing for the Kerala Head Load Workers Welfare Board submitted that the establishment

run by the petitioner is not situated in an area where the functional operation of the Head Load Workers Scheme has been extended.

4. This Court by order dated 16.11.2020 had granted an interim order as prayed for.

5. In view of the submission of the learned standing Counsel appearing for the Kerala head Load workers welfare fund board that the establishment is

not situated in an area where the functional operation of the scheme has been extended, the respondents 3 to 8 or their men have no right to insist that

the headload work in the establishment run by the petitioner should be given to them. Furthermore, none of the party respondents have appeared

before this Court to convert the contentions of the petitioner.

6. In that view of the matter there will be a direction to the respondents 1 and 2 to provide adequate and sufficient protection to the workers,

employees and staff of the petitioner for carrying out the loading and unloading of goods/articles at the Godown situated at Thycattussery with door

No. 14/526 of Thrissur Corporation without any obstruction or threats from the respondents 3 to 8 or their men.

This Writ petition will stand disposed of.