

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.25245 of 2016
and W.M.P.No.21605 of 2016

M/s.Dexin Medi Solutions Pvt. Ltd.,
Rep. by its Managing Director,
A.C.Shyamsundar,
Kalitheerthalkuppam, Madagadipattu,
Puducherry.Petitioner

Vs.

1. The District Collector,
Puducherry.
2. The Superintendent of Police,
Puducherry West,
Puducherry.
3. Dexin Medi Solutions Thozhilallar Nala Sangam,
By its President K.Ragunath,
No.42, Cuddalore Road,
Mudaliyarpet, Puducherry.Respondents

Prayer: This writ petition filed under Article 226 of the Constitution of India, to issue a writ particularly in the nature of a writ of Mandamus, directing the respondents 1 and 2 not to allow or permit the 3rd respondent sangam or contract labourers, its members, office bearers, agents and outside supporters from assembling within a radius of 500 mtrs of the petitioner's factory premises situate at Kalitheerthalkuppam, Madagadipattu Post, Puducherry, preventing free ingress and egress of men, materials and vehicles for the factory under the guise of flag hoisting function or name board opening function on 19.07.2016 or any other date and also prevent 3rd respondent or its affiliated union to hold demonstrations, slogans or conduct any other trade union activity within the above said distance of the factory premises.

For Petitioner : Mr.N.Suresh
For Respondents : M/s.Reena Iswarya
Additional Government Pleader
(For R1 & R2)
Mr.P.R.Thiruneelakandan (For R3)

ORDER

Heard Mr.N.Suresh, learned counsel appearing for the petitioner, M/s.Reena Iswarya, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.P.R.Thiruneelakandan, learned counsel appearing for the 3rd respondent.

2.The petitioner is a Management and the third respondent is the Union. There appears to be a dispute between the petitioner on one hand and the third respondent on the other hand. Now, the grievance of the petitioner is that the third respondent is interfering with the running of the industry and obstructing the free ingress and egress.

3.Learned counsel appearing the third respondent would submit that the ingress and egress is not disturbed, on the other hand, the petitioner cannot get an order preventing the third respondent from carrying on his lawful activities which is permissible under the Trade Union Act, 1920.

4.Considering the submissions made, this Court is of the view that the rights and liabilities of the petitioner as well as the third respondent are clearly demarcated while the third respondent can agitate its rights including demonstration outside the premises of the petitioner, the ingress and egress cannot be stopped and so in a case of running the industry.

5.In such view of the matter, the writ petition stands ordered making it clear that the third respondent can go on with the demonstration outside the premises of the petitioner but shall not interfere with the ingress and egress to reach the petitioner's factory and also shall not disturb the functioning. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

cse

To

1. The District Collector,
Puducherry.

2. The Superintendent of Police,
Puducherry West, Puducherry.

+1cc to M/S. N. suresh, Advocate Sr. 21515

+1cc to Mr. P.R. Thiruneelakandan,

W.P.No.25245 of 2016
and W.M.P.No.21605 of 2016

NR II (CO)
VR(28/4/2017)



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