

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.3805 of 2019

&

W.M.P.No.4223 of 2019

M/s.Mirra and Mirra Industries Private Limited
No.117-120, Sidco Industrial Estate
Vichur, Manali New Town
Chennai 600 103
Rep. by its Authorised SignatoryPetitioner

Vs.

1.The Secretary
Mirra and Mirra Industries Pvt. Ltd., Employees Union
No.117-120, Sidco Industrial Estate
Vichur, Manali New Town
Chennai 600 103

2.The Inspector of Police
M-7, Police Station
Manali New Town, Chennai 600 103

3.The Assistant Commissioner of Police
Ennore Range
Ramakrishna Nagar
Ennore, Chennai 600 056

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the 2nd respondent to provide police protection to the petitioner's factory premises to enable the willing workmen, contract workman, staff, officers and other managerial personnel and customers to enter and exit the factory premises, to enable the petitioner to send materials to its customers to receive the materials including the raw materials for process work inside the petitioner's factory premises (ingress and egress of men and materials) and ensure that striking workmen are not causing any disturbance by restraining them from hurling abuses, intimidating the staff or any other person or persons connected with the execution of the work with the

petitioner or execution of the Project or indulging in any act of violence, assault, gherao and coercion causing bodily injury, abusing any workers or staff of the company by keeping them 500 meters away from the main gate of the factory premises and to maintain law and order and peace in and around the petitioner's factory premises situated at located at No.117-120 and also the Godown No.76 & 77, Open Yard No.82 & 83, Sidco Industrial Estate, Vichur, Manali New Town, Chennai 600 103.

For Petitioner : Mr.K.Rajasekaran

For Respondents: Mr.C.Prabakaran for R1

Mr.M.Mohamed Riyaz for R2 & R3
Addl. Public Prosecutor

ORDER

This Writ Petition has been filed seeking for a direction to the respondent police to give police protection to the petitioner company.

2.The learned counsel for the petitioner would submit that as per the direction given by the Government of Tamil Nadu, the petitioner company was in the process of installing CCTV Cameras in the company premises, in order to ensure the safety and security of the employees. When the process was going on, certain employees belonging to the Union started objecting to the installation of the CCTV camera and had also attempted to attack the persons who were carrying out the job. The group of employees also abused the officials belonging to the company and also instigated other employees to go on a strike. This incident is said to have been taken place on 28.11.2018.

3.The learned counsel for the petitioner would submit that there was an illegal strike for more than two days and the situation inside the company continues to be volatile. Even now, the petitioner company is not permitted to install the CCTV camera in the Company premises. Left with no other option, the petitioner gave a complaint to the respondent police on 28.11.2018 and CSR receipt was issued by the respondent Police. The Police had called the concerned parties for an enquiry and also advised the employees to co-operate with the management for the purpose of installing CCTV Camera. However, the group of employees belonging to the Union continue to stop the petitioner Company in installing the CCTV Camera.

4.The learned counsel for the petitioner would submit that the petitioner company has stopped the process of

installing the CCTV camera, fearing unnecessary violence and law and order problem that may be created in the Company premises. This Writ Petition has therefore been filed seeking for police protection.

5.The learned Additional Public Prosecutor appearing on behalf of the respondents 2 & 3, on instruction would submit that the concerned workers resorted to an illegal strike only for two days and thereafter they have resumed for work. The learned Additional Public Prosecutor further submitted that as on today, peace is prevailing and no problems have been created by the concerned workers. The learned Additional Public Prosecutor further submitted that if in case any law and order problem is created in future, the respondent Police will take necessary action in accordance with law.

6.This Writ Petition is disposed of with a direction to the second and third respondent to ensure that no one indulges in violence in the Company premises belonging to the petitioner. If the petitioner Company wants to install CCTV Camera, pursuant to the directions issued by the State Government and in the interest of the employees, it cannot be prevented by any of the workers and if anyone has any grievance about it, they have to work out only in the manner known to law and no one can take law into their own hands. It is made clear that the petitioner company shall not install CCTV camera in the bathroom and other personal utility area. The petitioner company is at liberty to approach the respondent police as and when they face any resistance or any law and order problem inside the Company premises, while installing the CCTV camera. The second respondent police shall take appropriate action in accordance with law and if the situation so warrants may also provide police protection to the petitioner Company. No costs. Consequently, connected Miscellaneous petitions is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To
1.The Inspector of Police
M-7, Police Station
Manali New Town, Chennai 600 103

2.The Assistant Commissioner of Police
Ennore Range
Ramakrishna Nagar
Ennore, Chennai 600 056

3.The Public Prosecutor, High Court ,Madras.
+1cc to Mr.K.Rajasekaran , Advocate SR.No. 23404
+1cc to Mr.C.Prabakaran , Advocate SR.No. 23357

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A.SK(12/04/2019)



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