

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 22.01.2019  
CORAM:  
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.28802 of 2018  
and  
W.M.P.Nos.33656 and 37433 of 2018

The Management,  
Neelamalalai Agro Industries Ltd.,  
Rep. by its  
Chief Officer-HR & Corporate Affairs (Plantations),  
Katary Estate, Katary Post,  
Coonoor, The Nilgiris-643 213. ... Petitioner

Vs.

- 1.The Sub-Inspector of Police,  
Kullakombai Police Station,  
Kullakombai Post,  
The Nilgiris - 643 202.
- 2.Tamizhaga Makkal Munnetra Kazhagam,  
167-A, Lakshmi Niwas Cottage,  
Near Hill Bunk, Club Road,  
Ooty, The Nilgiris - 643 001. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1<sup>st</sup> respondent to provide adequate police protection to the petitioner to enable its employees, staff, officers and other managerial personnel, customers and suppliers to enter and exit estates, factory premises including ingress and egress of men and materials, vehicles, green leaves and finished products and ensure that the striking workmen and outsiders are 700 meters away from the estate property including factory and quarters of the workmen, staff and executives of the premises of Katary and Sutton Estates situated at Katary Post, Selas, Coonoor-643 213, and ensure that there is no obstruction or prevention of willing employees entering into the field, factory and estate office and ensure law and order and peace.

For Petitioner : Mr.S.Ravindran, Senior Counsel  
for Mr.S.Bazeer Ahamed

For Respondents : Mr.M.Mohamed Riyaz  
Additional Public Prosecutor for R1

: Mr.S.Rathina Asohan for R2

## O R D E R

This writ petition has been filed seeking for a relief of police protection to enable the employees, staff, officers and other managerial personnel, customers and suppliers to enter and exit estates, factory premises including ingress and egress of men and materials, vehicles, green leaves and finished products and ensure that the striking workmen and outsiders are 700 meters away from the estate property including factory and quarters of the workmen, staff and executives of the premises of Katary and Sutton Estates situated at Katary Post, Selas, Coonoor-643 213, and ensure that there is no obstruction or prevention of willing employees entering into the field, factory and estate office and ensure law and order and peace.

2. On 31.10.2018, this Court passed an interim order. The relevant portion is extracted hereunder:-

"2. According to the petitioner company, it has two estates, viz., Katary Estate and Sutton Estate; the workmen of the said two estates are members of three unions, viz., Anna Thozhirsanga Peravai (ATP), The Nilgiris District Estate Workers' Union (NDEW) and Tamil Nadu Plantation Labour Progressive Union; by notice dated 19.10.2018, the petitioner company declared statutory bonus for the financial year 2017-2018; though a majority of the workmen of the petitioner company received bonus amount, yet, at the instigation of the second respondent union, which is not a registered trade union, attempts are being made to disrupt the industrial peace in the two estates of the petitioner company; on 22.10.2018, a group of people belonging to the second respondent union, together with some workers of Sutton Estate, attempted to meet the officer of Katary estate and when permission was declined for such a meeting, they had threatened the staff that they would resort to road roko; further, the office bearer of the second respondent union also has threatened that if the Management representatives do not discuss with him on the bonus issue, he would hold agitation and disturb the industrial peace in the estate/factory premises of the two Estates; hence, the petitioner company gave a series of complaints to the respondent police, but to no avail; therefore, the present writ petition seeking a writ of mandamus directing the first respondent to provide

adequate police protection to the petitioner to enable its employees, staff, officers and other managerial personnel, customers and suppliers to enter and exit estates, factory premises, including ingress and egress of men and materials, vehicles, green leaves and finished products and ensure that the striking workmen and outsiders are 500 meters away from the estate property, including factory and quarter of the workmen, staff and executives of the premises of Katary and Sutton Estates situated at Katary Post, Selas, Coonoor-643 213, and ensure that there is no obstruction or prevention of willing employees entering into the field, factory and estate office and ensure law and order and peace.

3.Considering the facts and circumstances of the case, there shall be an order of interim direction to the first respondent police to provide protection to the petitioner company to enable its employees, staff, officers and other managerial personnel, customers and suppliers to enter and exit estates, factory premises including ingress and egress of men and materials, vehicles, green leaves and finished products and ensure that the striking workmen and outsiders are 200 meters away from the estate property including factory and quarter of the workmen, staff and executives of the premises of Katary and Sutton Estates situated at Katary Post, Selas, Coonoor-643 213, and ensure that there is no obstruction or prevention of willing employees entering into the field, factory and estate office and ensure law and order and peace."

3.A reply affidavit has been filed on behalf of the petitioner/Management. It will be relevant to extract paragraph four in that affidavit:-

"In terms of the order of this Hon'ble Court dated 31-10-2018, the first respondent and higher officials are periodically monitoring the law and order situation in the two estates of the Petitioner. Their presence/visit is ensuring that there is no untoward incident on the instigation of the second respondent. In the above circumstances, it is absolutely necessary that the 1<sup>st</sup> respondent continues provides adequate protection to the men and materials

belonging to the two estates including factory."

4.It is clear from the above, that at present the situation is under control and the police is continuously monitoring the law and order situation. It will be left open to the petitioner to make a fresh complaint as and when any law and order problem arises and the police at that point of time shall take necessary action in accordance with law. The present status shall be continued till normalcy is restored.

5.Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/--

Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

ia/vsg1

To

1.The Sub-Inspector of Police,  
Kullakombai Police Station,  
Kullakombai Post,  
The Nilgiris - 643 202.

2.The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.S.Rathina Asohan , Advocate SR.No. 5116

W.P.No.28802 of 2018

A.SK(08/02/2019)

सत्यमेव जयते

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