



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 26.08.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18016 of 2021
in
W.M.P.Nos.19252 & 19253 of 2021

BMW India Private Limited,
Plant Chennai,
No. 36, 1st Cross Road,
Mahindra World City,
Natham Post,
Chengalpet 603 004.

...Petitioner

Vs.

1. The Deputy Commissioner of
Labour Conciliation I,
Sriperumbudur,
Kancheepuram District.
2. BMW India Staff and Employees Union,
18/51 EWS NH1,
Parimelazhagar Street,
Maraimalai Nagar 603 209.
3. The Deputy Superintendent of Police,
Chengalpet Taluk,
Chengalpet District.
4. The Inspector of Police,
Chengalpet Taluk,
Chengalpet District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus forbearing 2nd Respondent Union from resorting to a strike pending conciliation in contravention of Section 22 of the Industrial Disputes Act pursuant to their strike notice dated 21.07.2021 and further direct the 1st Respondent to ensure that the 2nd Respondent Union does not violate Section 22.



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For Petitioner : Mr.Anand Gopalan
for M/s.T.S.Gopalan and Co.
For R1, R3 & R4 : Mr.K.Tippu Sultan,
Government Advocate

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The learned counsel for the petitioner submitted that pursuant to filing of the Writ Petition, the workmen attached to the 2nd respondent union have resorted to direct action with effect from 25.08.2021. As such, the present prayer, seeking to forbear the members of the 2nd respondent union from resorting to strike, may not be maintainable.

3. At this juncture, the learned counsel for the petitioner would submit that, in view of the direct action initiated by the workers, they apprehend that the free movement of men and materials in and out of the factory premises could be affected.

4. In case the workers resort to such an action which could be termed as illegal, liberty is hereby granted to the petitioner to file a fresh writ petition. As such, no effective orders can be passed in the present writ petition. Accordingly, the Writ Petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

drm/hvk

To

1. The Deputy Commissioner of
Labour Conciliation I,
Sriperumbudur,
Kancheepuram District.
2. The Deputy Superintendent of Police,
Chengalpet Taluk,
Chengalpet District.



3. The Inspector of Police,
Chengalpet Taluk,
Chengalpet District.

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+1cc to M/s.T.S.Gopalan and Co., Advocate, S.R.No.43183

W.P.No.18016 of 2021 in
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PL (CO)
CT (21/09/2021)