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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.823 OF 2022

AND

W.M.P.NO.896 OF 2022

M/s.Virgo Polymers India Limited,
Represented by its P.M.Thomas,
General Manager,
Having Officer At:
A-1A, Industrial Complex,
Maraimalai Nagar,
Kanchipuram,
Chengalpattur - 603 209.

... Petitioner

Versus

1. The Inspector of Police,
Maraimalai Nagar Police Station,
Maraimalai Nagar - 603 209.

2. Virgo Polymers India Limited Employees Union,
Registered No.327/KPM,
Affiliated with AITUC,
Makkal Illam, Vallal Kari Street,
NH-1, Maraimalai Nagar,
Chengalpattu District - 603 209.

3. The Deputy Commissioner of Labour-I,
Sriperumpudhur,
Kanchipuram.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ, Order or Direction in the nature of Writ of Mandamus, directing the 1st respondent to provide adequate police protection for ingress and egress of vehicles and people from in and out of the petitioner Company premises and further vacate the trespassing workmen by ensuring that no striking workers assemble illegally in any form within the radius of 700 meters from the petitioner's Company premises, viz.,



A-1A, Industrial Complex, Maraimalai Nagar, Kanchipuram, Chengalpattu - 603209, pursuant to the petitioner's complaint dated 08.01.2022.

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For Petitioner : Mr.S.Mahalakshmi

For R1 & R3 : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the 1st respondent to provide adequate Police protection for ingress and egress of vehicles and people from in and out of the petitioner Company premises and further vacate the trespassing workmen by ensuring that no striking workers assemble illegally in any form within the radius of 700 meters from the petitioner Company premises, viz., A-1A, Industrial Complex, Maraimalai Nagar, Kanchipuram, Chengalpattu, pursuant to the petitioner's complaint dated 08.01.2022.

2. The learned counsel for the petitioner submitted that the petitioner company engaged in the business of manufacturer and supplier of wide variety of FABC bags, PP jumbo bags, white jumbo bags, double loop FIBC bags etc., and there are around 350 employees, who are working in the petitioner company as permanent employees and on contract basis. Some of the employees have joined M/s.Virgo Polymers India Limited Labour Union, the 2nd respondent herein and made demand for increase in salary and other allowances. The 2nd respondent invited the petitioner company for conciliation meeting regarding salary hike, job confirmation etc., and the matter is pending before the Conciliation Officer to arrive amicable solution. This being so, on 04.01.2022, the employees through the 2nd respondent circulated demand notice-cum-strike notice against the petitioner company. Further, vide pamphlets of demand-cum-strike notice, it was announced that the 2nd respondent will protest by wearing black badges along with the demand card from 05.01.2022 for the period of one week. Further, they threatened the management of the petitioner company to go on illegal strike on 24.01.2022, if their illegal demands are not met out, within the period of seven days.

3. The learned counsel further submitted that the employees, who are members of the 2nd respondent are making attempt to gather the other employees of the company and forced them to participate in the strike and further attempts are made to prevent the ingress and egress of the vehicle and also other workers and staffs from attending their work. They are



threatening to assemble in front of the petitioner company to halt the production activities of the company. Hence, a complaint was sent to the 1st respondent Police, who on receipt of the same, had issued C.S.R.No.97 of 2020 and thereafter, not taken any action. He further submitted that the 3rd respondent in Na.Ka.No.A/06/2021, dated 29.01.2021 had initiated the resolution proceedings called the 2nd respondent for compromise and the same is now pending. While being so, no strike or protest to be held. If any such protest or strike is held, it is illegal. Now, the 2nd respondent is attempting to hold an illegal strike, despite majority of demands have been made. The learned counsel for the petitioner filed typed set containing the notice and hand bills circulated by the 2nd respondent, the initiation of the resolution proceedings by the 3rd respondent.

4. The learned counsel for the petitioner placed reliance on the decisions of this Court in the case of "The Management of SNY Autotech Pvt. Ltd., Rep. by its Director Versus The Inspector of Police, C1 Police Station, Sriperumbudur and another reported in 2018 SCC Online Mad 3390", wherein this Court on a similar situation had given direction to the Jurisdictional Police to provide police protection to the factory premises of the company to ensure that there is free ingress and egress of men and materials. Further, the Police to ensure that no law and order problem is created near the factory premises and normalcy is maintained. The Labour Unions/Labour Federation to conduct the demonstration/strike, 200 mts. away from the petitioner's factory premises. It is left open to the parties to agitate their respective rights before the appropriate forum/Court. In view of the above the petitioner herein seeks police protection.

5. The learned Additional Public Prosecutor appearing for the respondents 1 and 3 submitted that the petitioner's complaint has been received, during enquiry, the 2nd respondent will be called for enquiry and necessary steps will be taken, not to allow any disturbance to the petitioner company and not to threaten the workers and staffs, who are willing to attend the work, not to enter the factory forcibly and disturb the production activities. As and when situation arise, the 1st respondent Police would provide necessary protection for men and property of the petitioner's factory.

6. Considering the same, if any such situation arouse, the petitioner is directed to lodge a complaint before the 1st respondent police. Thereafter, the 1st respondent Police is directed to provide Police protection to the factory premises of petitioner company and to ensure that there is free ingress and egress of men, materials and vehicles. The 1st respondent Police is also directed to ensure that no law and order problem is



created near the factory and normalcy to be maintained. The 2nd respondent can conduct the demonstration/strike, 200 metres away from the petitioner's factory and office, premises.

7. With the above directions, this Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Maraimalai Nagar Police Station,
Maraimalai Nagar - 603 209.
2. The Deputy Commissioner of Labour-I,
Sriperumpudhur,
Kanchipuram.
3. The Public Prosecutor,
High Court, Madras.

W.P.NO.823 OF 2022

PMK (CO)
PBS/09/03/2022