



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.702 of 2022
W.M.P.No.757 of 2022

M/s.Thermal Systems and Engineering,
Rep. by its Managing Partner - Preetham Kumar. S,
Plot No.150, SIDCO Industrial Estate (NP),
Ambattur,
Chennai - 600 098. ... Petitioner

Versus

1. The Inspector of Police,
T2-Ambattur Estate Police Station,
Sai Nagar,
Ambattur Industrial Estate,
Chennai - 600 058.
2. Jananayaga Thozhilalar Sangam,
Democratic Labour Union - Affiliated to LTUC,
No.23 A, Mariyamman Kovil Street,
Kalyanapuram,
Ambattur,
Chennai - 600 053. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue 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 the factory premises including ingress and egress of men and materials, vehicles and finished products and ensure that the striking workmen are 500 meters away from the petitioners factory situated at plot No.150, SIDCO Industrial Estate (NP), Ambattur, Chennai - 600 098.

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

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor



O R D E R

This Writ Petition is filed 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 the factory premises including ingress and egress of men and materials, vehicles and finished products and ensure that the striking workmen are 500 meters away from the petitioners factory situated at plot No.150, SIDCO Industrial Estate (NP), Ambattur, Chennai - 600 098.

2.The contention of the petitioner is that the petitioner had given a complaint to the Inspector of Police, Ambattur on 10.01.2022 stating that one Welmech Engineering Company Pvt. Ltd., have 15 employees, who are holding protest for the dispute with the management. The Managing Director of Welmech Engineering Company Pvt. Ltd., one Sadagopan passed away due to COVID-19 on 01.06.2021 and his wife Booma Sadagopan took charge in the place of Sadagopan. There has been some dispute with the Welmech Engineering Company Pvt. Ltd., and also with the financial institutions. Hence these 15 employees have been laid off and reconsideration is also in progress, since the employees of Welmech Engineering Company Pvt. Ltd. by the instigation of the Labour Union conducted protest at the entrance of the Thermal Systems and Engineering.

3.He further submits that on 08.01.2022, they are assembled in front of the petitioner's factory and attempted to enter into the factory and also raised slogans and conducted dharna and obstructed the working of the petitioner's factory. On 09.01.2022, total lock down was in force, the 15 employees of the Welmech Engineering Company Pvt. Ltd., had again entered into the petitioner's factory. Further apprehension is that whether 15 employees have been vaccinated or not, whether they have been following the protocol is not known. On the other hand they mingled with the factory workers and not only obstruct the work and also caused health hazard to the petitioner's factory. The petitioner's factory have no other option to stop the employees of Welmech Engineering Company Pvt. Ltd., without entering into the petitioner's factory and obstructing the the normal functioning of the petitioner's factory. The second respondent Union is instigating the employees of Welmech Engineering Pvt. Ltd., to perform such act. Hence, filed the above petition.

4.The learned counsel for the petitioner placed reliance on the decision of this Court in the case of "The Management of SNY Autotech Pvt. Ltd., Rep. by its Director Vs. 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 submits that the Inspector of Police, Ambattur, had received a complaint, visited the factory and made enquiry and found that the above said 15 employees of Welmech Engineering Company Pvt., Ltd., had left the place. The petitioner's company is now functioning normally. As and when situation arouse, they would provide necessary protection for the 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 first respondent police. Thereafter, the first respondent Police is directed to provide police protection to the factory premises of petitioner's company and to ensure that there is free ingress and egress of men, materials and vehicles. The first 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-VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
T2-Ambattur Estate Police Station,
Sai Nagar, Ambattur Industrial Estate, Chennai - 600 058.

2.The Public Prosecutor,
High Court, Madras.

W.P.No.702 of 2022