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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2022

C O R A M

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.NO.2583 OF 2022

AND

W.M.P.NO.2713 OF 2022

M/s.Larsen & Tourbo Limited,
L & T Shipbuilding,
Shipyard, SEZ Unit, Kattupalli Village,
Ponneri Taluk, Tiruvallur District - 600 120.
Rep. by its Head Shipbuilding Business
Ashok Kumar Khetan

...Petitioner

Vs.

1.Inspector of Police,
Kattur Police Station,
Ponneri Taluk,
Tiruvallur District - 601 205.

2.Inspector of Police,
Minjur Police Station,
Minjur Circle, Ponneri Circle,
Tiruvallur District - 601 203.

3.Pazhaverkadu Paguthi Meenavargal Kutamaipu Sangam,
Ponneri Circle,
Tiruvallur District - 601 205.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus, directing the respondents 1 and 2 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 petitioner's factory situated at Larsen & Tourbo Limited, L & T Shipbuilding, Shipyard, SEZ Unit, Kattupalli Village, Ponneri Taluk, Tiruvallur District - 600 120.

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



For R1 & R2

: Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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This writ petition has been filed directing the respondents 1 and 2 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 petitioner's factory situated at Larsen & Tourbo Limited, L & T Shipbuilding, Shipyard, SEZ Unit, Kattupalli Village, Ponneri Taluk, Tiruvallur District - 600 120.

2. The contention of the petitioner is that the petitioner is a defence shipyard building ships for Indian Navy and Indian Coast Guard and thus supporting defence services in national security. The petitioner's establishment is registered as a Principal Employer in terms of the provisions of the Contract Labour (Regulation and Abolition) Act, 1970 for the purpose of engagement of contract labour. The petitioner has engaged services of contractors licensed in terms of the provisions of the Contract Labour (Regulation and Abolition) Act, 1970 to provide contract labour to the petitioner.

3. Further contention of the petitioner is that the contract workmen represented by Minjur Paguthi Pothu Thozhilalar Sangam raised an industrial dispute claiming certain benefits to contract workmen and the said dispute is pending before the Industrial Tribunal, Chennai in ID No.9/2018. While it is so, some unregistered bodies in the area claiming to support the contract workmen, are preventing ingress and egress of men and materials to the petitioner company.

4. Mr.S.Ravindran, learned Senior Counsel appearing for the petitioner submitted that the petitioner has no objection in the employees holding protest or demonstration in a peaceful manner 200 meters away from the main gate of the factory premises and the only objection is that the workmen should not prevent illegally the ingress and egress of the men and machinery into the factory premises. He would further submit that the petitioner has given a representation to the 1st respondent seeking for protection and no action has been taken so far.

5. The learned Additional Public Prosecutor appearing for the respondent 1 and 2 would submit that one Pazhaverkadu Paguthi Meenavargal Kutamaipu Sangam, had given representation to the Inspector of Police, E2 - Thirupalaivanam Police Station



on 24.01.2022 seeking permission to conduct demonstration at the entrance of the petitioner's factory and it was rejected by the second respondent.

6. At this juncture, the learned Senior Counsel for the petitioner reiterated that the petitioner has no objection in anybody conducting demonstration or protest in a peaceful manner and the only concern of the petitioner is that the ingress and egress of men and materials should not be prevented in the guise of conducting demonstration.

7. Heard the submissions made by the learned Senior Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the records.

8. Considering the submissions, this Court directs the first respondent - Police to give adequate protection for ingress and egress of vehicles and movement of men and machinery in and out of the factory premises and to ensure that no demonstrating or striking persons assemble illegally in any form within the radius of 200 meters from the main gate of the petitioner's factory premises.

9. With the above directions, this Writ Petition stands disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

rst/sp

To:

1. Inspector of Police,
Kattur Police Station,
Ponneri Taluk,
Tiruvallur District - 601 205.

2. Inspector of Police,
Minjur Police Station,
Minjur Circle, Ponneri Circle,
Tiruvallur District - 601 203.

+1cc to Mr.S.Bazeer Ahamed, Advocate Sr.No.9263

W.P.No.2583 of 2022

JP-II(CO)
RVM(14/02/2022)