

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.06.2022
CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.14583 of 2022
and W.M.P.No.13782 of 2022

M/s. Gulf Oil Lubricants India Ltd.
Rep. by its General Manager Mr.Dhanasekaran
New Survey No.D25-1/2, D26-12/2
Kathivakkam High Road, Ennore
Chennai 600057.

... Petitioner

Vs.

1. The Assistant Commissioner of Police
Ennore Circle
Ennore, Chennai

2. State rep. by
The Inspector of Police
M-5, Police Station
Ennore, Chennai

3. Elumalai
Proprietor, Yokes Enterprises
Plot No.3A, Erneeswara Street
3rd Cross Street, Ernavoor
Chennai 600057.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd Respondents to provide Police Protection to the Petitioner industry to run peacefully with its staff and willing workers and forbearing the 3rd respondent unions, their members, office bearers, their agents, outside supporters, representatives or any other person acting at their behest in any way preventing ingress and egress of the directors, contract workmen, materials, vehicles, advisors, visitors of the petitioner or stating any form of protest by gathering and assembling within a radius of 200 meters of the petitioner's factory premises.

For Petitioner : Mr.M.Mohamed Riyaz

For R1 & R2 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The Writ Petition is filed seeking for a direction, directing directing the 1st and 2nd Respondents to provide Police Protection to the Petitioner industry to run peacefully with its staff and willing workers and forbearing the 3rd respondent unions, their members, office bearers, their agents, outside supporters, representatives or any other person acting at their behest in any way preventing ingress and egress of the directors, contract workmen, materials, vehicles, advisors, visitors of the petitioner or stating any form of protest by gathering and assembling within a radius of 200 meters of the petitioner's factory premises.

2.It is the contention of the learned counsel for the petitioner that the petitioner's company is engaged in production of lubricant oil, grease and Ad-Blue which are all the essential materials for the agricultural machineries, military equipment and other heavy machineries. The petitioner is also adhering to the rules as contemplated by the Industrial and Labour Laws. The company has engaged 35 casual labourers on contractual basis through the 3rd respondent herein and the numbers of the causal works will be increased or reduced proportionate to the volume of production. The contract labourers have started to trouble the petitioner's company by switching off the machineries and also striped the production of the factory and indulged in illegal strike and intimidating other workers regular workers, which completely prevents the production in the factory premises and cause a loss of over Rs.1 crore. They are also blocking the ingress and egress and stopping the other workers who are coming to the company for work and not allowing the vehicles to go in and out of the factory. They are placing unrealistic demands which were not capable of being met. He added that despite repeated representations, the respondent police have not taken any action to prevent the same. Hence seeking for a direction to provide police protection to the petitioner's company.

3.Learned Additional Public Prosecutor appearing for the respondent would submit that as on date there is no agitation. Whereas it is disputed by the petitioner.

4.It is to be noted that the employees who are agitated for their rights or descends to the decision of the Management cannot prevent other workmen and they have no right to cause damage to the property. If they want to show their protest in a democratic way, they can do it after obtaining permission from the concerned jurisdictional police and fix a place that was ear marked for such democratic protest. One cannot take the law and order in their own hands to prevent the production / business of others under the pretext of their right.

5.Hence this Court is of the view that whenever there is any unlawful activities by the section of the employees preventing other workmen of the petitioner's factory, it is the duty of the police to ensure that the property of the petitioner's factory is not damaged and to ensure that the Petitioner's industry / premises runs peacefully with its staff and willing employees and suitably prevent the agitating members, men, agents, supporters or representatives from illegally assembling or gathering inside the factory premises and also to ensure that the ingress and egress into the Petitioners factory of men and material including movement of vehicles as per law.

6.Subject to the above observations, this Writ Petition stands disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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- 1.The Assistant Commissioner of Police
Ennore Circle
Ennore, Chennai
2. The Inspector of Police
M-5, Police Station
Ennore, Chennai
- 3.The Public Prosecutor
Madras High Court
Chennai 600 104.

+1 cc to Mr.M.Mohamed Riyaz, Advocate Sr.NO. 4605

W.P.No.14583 of 2022
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SSD(CO)
A.SK(28/06/2022)