



W.P.No.21018 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.No.21018 of 2021 and
WMP No.22272 of 2021

T.Nagar Social & Cultural Club,
No.1, Nageswara rao road,
T.Nagar, Chennai -17,
Rep. by its Secretary,
P.S.Ashok

... Petitioner

Vs.

1. The Commissioner of Police,
Vepery, Greater Chennai – 600 007.
2. The Inspector of Police,
R-1 Police Station, T.Nagar,
Chennai – 600 017.
3. The Asst. Commissioner of Labour – III,
3rd floor, Kuralagam, Chennai – 600 108.
4. Chennai Perunagar Jananayaga Thozhilalar Sangam,
No.1, Nageswara rao road,
T.Nagar, Chennai – 600 017.
5. Thiagaraya Nagar Social Club thozhilalar
Munnetra Sangam affiliated to LTUC,
No./1, Nageswara rao road,
T.Nagar, Chennai – 600 017.

...Respondents



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Writ petition is filed under Section 226 of the Constitution of India to issue a Writ of Mandamus, directing the first and second respondents herein to take necessary action against the fourth and fifth respondents herein and to protect the petitioner club and its members by considering the petitioner's representation dated 15.09.2021 in accordance with law with the time frame fixed by this Court.

For petitioner : Ms.Yogapriya

For Respondents 1 & 2 : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking direction to the first and second respondents to take necessary action against the fourth and fifth respondents to protect the petitioner club and its members by considering the petitioner's representation dated 15.09.2021.

2. The petitioner is a social and cultural club run at No.1, Nageswara rao road, T.Nagar, Chennai 17. It is alleged that the workers of the club have started a labour union in the name and style of the 4th and 5th respondents and raised certain charter of demands. Negotiations were held



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between the respondents 4 and 5 and the petitioner, wherein they have entered into the settlement under Section 18 (1) of the Industrial Dispute Act, 1947 on 07.04.2021. Taking into consideration of the pandemic situation and with an intention to provide job to the workers after lock down, the petitioner club was opened recently, under the Government guidelines though normalcy was not restored. In these circumstances, without any notice or intimation to the petitioner, the 4th and 5th respondents union suddenly call for a strike outside the premises along with other workers and were shouting slogans and disturbing the members who are working in the club. Hence, the petitioner club made a representation to the respondents 1 and 2 to take necessary action to protect the club. As there is no response on the side of the respondents, the petitioner is before this Court by filing the present Writ Petition.

3. Heard Ms.Yogapriya, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for the respondents 1 and 2.



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4. Today, when the matter is taken up for hearing, the learned

Additional Public Prosecutor appearing for the respondents 1 and 2, on instruction, would submit that as on date, there is no problem between the petitioner and the respondents 4 and 5 and normalcy restored.

5. In view of the above, there is no necessity to issue any direction to the respondents 1 and 2 to protect the petitioner club. It is needless to mention that even if the workers intend to call for any strike, it should be conducted only 200 meters away from the petitioner premises. Even during the course of strike, there should not be any demonstration, blockage of the pathway or shouting of slogans and thereby causing hindrance to ingress and egress of the members of the club or endangering safety of the men and materials of the petitioner club. In the event of any disturbance caused by the respondent union, the petitioner is at liberty to approach the respondents 1 and 2 by way of filing proper representation and the respondents 1 and 2 shall consider the same and take action in accordance with law.



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6. With the above observation, this Writ Petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

27.10.2022

vum

Index:yes/No

Speaking order / Non speaking order

To

1. The Commissioner of Police,
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