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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.27241 of 2021

and

W.M.P.No.28749 of 2021

M/s. Woory Automotives India Private Limited,
Represented by its AGM-HR,
Mr.Balaji Bhagavathi,
Having Office at:
A1B, MMDA Industrial Complex,
Maraimalai Nagar,
Chengelpattu Taluk,
Kanchipuram District - 603 209.

... Petitioner

Vs.

1. The Inspector of Police,
Maraimalai Nagar Police Station,
Maraimalai Nagar - 603 209.
2. Madras Metro Labour Union,
Registered No. 891/CPT- Affiliated with AITUC,
No.40, Anna Street, Thiruvalluvar Nagar,
Chennai - 600 117.
3. The Deputy Commissioner of Labour-II,
Sriperumpudhur,
Kanchipuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus or order, or direction in the nature of writ, directing the first respondent to provide 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 500 metres from the Petitioner Company premises, viz., A1B, MMDA Industrial Complex, Maraimalai Nagar, Chengelpattu Taluk, Kanchipuram District - 603 209, pursuant to the petitioner's complaint dated 03.08.2021.

For Petitioner : Ms.S.Mahalakshmi

For R1 & R3 : Mr.A.Gokulakrishnan
Additional Public Prosecutor.

R2 : Mr.K.M.Ramesh



O R D E R

This Writ Petition has been filed to direct the first 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 500 metres from the Petitioner Company premises, viz., A1B, MMDA Industrial Complex, Maraimalai Nagar, Chengelpattu Taluk, Kanchipuram District - 603 209, pursuant to the petitioner's complaint dated 03.08.2021.

2. The case of the Petitioner Company is that they are engaged in the business of manufacture and supply of automotive air conditioning system and electronic components like HVAC Actuator, PTC Heater, Control Head Unit, Clutch Coil etc. to almost all OEM's especially Hyundai in India. In order to carry out the said operations, the Petitioner Company has deployed 113 employees in Chennai Unit. Some of the Petitioner's employees and its contractor employees have joined the Madras Metro Labour Union/R2. Despite the Petitioner Company functioning in strict compliance to the entire rules and regulations, few employees in the Company are creating problems by conducting or pretend to conduct strikes in unfair means for some or the other unfair demands. On 22.07.2021, the second respondent has issued a strike notice against the petitioner company and threatened to agree to their illegal demands, despite the conciliation pending. The second respondent and its Members were also adopting illegal means and preventing ingress and egress of vehicles and machinery in and out of the petitioner company's premises, thereby, the petitioner had given a complaint dated 03.08.2021 to the first respondent. However, since no action has been taken by the first respondent to provide adequate protection, the present writ petition has been filed.

3. Ms.S.Mahalakshmi, learned counsel appearing for the petitioner would submit that the Second respondent and its Members are indulging unfair illegal activities and are preventing ingress and egress of men and machinery into the factory premises of the Petitioner Company. She would further submit that though the petitioner has no objection in the second respondent and its men, conducting demonstrations or meeting 200 meters away from the factory gate, their only concern is that ingress and egress of men and machinery into the petitioner's company should not be prevented by the second respondent. Thereby, she seeks for police protection.

4. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor, would submit that as per the instruction from the first respondent, the conciliation between the second respondent



and the petitioner company is pending on the file of the third respondent. He would further submit that in the event of any information regarding breach of peace and law and order, first respondent will take appropriate action.

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5. Mr.K.M.Ramesh, learned counsel appearing for the second respondent would submit that the second respondent is the registered union affiliated with AITUC and the second respondent is legally entitled to indulge in all forms of agitation permissible under the law. He would further submit that they have not indulged in any unlawful activity and they will not indulge in preventing ingress and egress inside the premises of the Petitioner Company. However, in the guise of seeking police protection, the petitioner is attempting to curtail the rights and the legitimate trade union activities. He would further reiterate that the second respondent will not prevent the ingress and egress of men and machinery into the Petitioner Company's premises.

6. Heard the learned counsel and perused the materials available on record.

7. Considering the submissions and the undertaking given by the second respondent, this Court directs the first respondent Police to give adequate protection in the event if ingress and egress of men and machinery in and out of the factory premises is curtailed. The first respondent shall also 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/ factory premises.

8. With the above directions, this Writ Petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

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-II,
Sriperumpudhur,
Kanchipuram.

3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.K.M.Ramesh, Advocate, S.R.No.10855

+1cc to Mrs.S.Mahalakshmi, Advocate, S.R.No.11295

W.P.No.27241 of 2021

and

W.M.P.No.28749 of 2021

GMR(CO)
SB(11/03/2022)