



W.P No.31255 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **23.11.2022**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

W.P No.31255 of 2022
and W.M.P. No.30696 of 2022

J.K.Tyre & Industries Limited,
Chennai Tyre Plant,
Sriperumbudur – Tambaram Road (SH-110),
Kolathur Village,
Sriperumbudur Taluk,
Kancheepuram District – 602 105.
Rep.by its Vice President – Works.

... Petitioner

Vs.

1. The Superintendent of Police,
Kancheepuram District – 631 501.
2. The Deputy Superintendent of Police,
Sriperumbudur Subdivision,
Kancheepuram District.
3. The Inspector of Police,
Somangalam Police Station,
Sriperumbudur, Kancheepuram District.
4. J.K.Tryres Thozhilalargal Sangam-CTP,
Rep. by the Secretary,
21B, Vilakkadai Koil Street,
Kancheepuram – 631 501.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the third respondent herein to provide adequate police protection for ingress and egress of vehicles and people from in and out of the factory premises and further vacate the trespassing workmen by ensuring that no striking workers assemble illegally in any form within the radius of 500 meters from petitioner's factory premises namely J.K.Tyre & Industries Ltd., Chennai Tyre Plant Sriperumbudur-Tambaram Road (SH-110), Kolathur Village, Sriperumbudur Taluk, Kancheepuram District – 602 105, pursuant to the complaint of the petitioner dated 17.11.2022.

For Petitioner	: Mr. Anand Gopalan for T.S.Gopalan and Co.
For Respondent-1-3	: Mr. S.Santhosh Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus to direct the third respondent to provide adequate police protection for ingress and egress of vehicles and people from in and out of the factory premises and further vacate the trespassing workmen by ensuring that no striking workers assembles illegally in any form within the radius of



500 meters from petitioner's factory premises namely J.K.Tyre & Industries Ltd., Chennai Tyre Plant Sriperumbudur-Tambaram Road (SH-110), Kolathur Village, Sriperumbudur Taluk, Kancheepuram District – 602 105, pursuant to the complaint of the petitioner dated 17.11.2022.

2. The petitioner company is involved in the business of manufacturing, marketing and sale of automotive tyres. The fourth respondent is the union consists of workmen of the petitioner company. The said union members have raised certain demands against the petitioner company on 09.09.2022 and the demands could not be conceded by the petitioner. So they issued a Strike Notice on 21.10.2022. After the settlement efforts were taken, the said Strike Notice was withdrawn. However, the conciliation is still in progress. From 16.11.2022, on the instigation of the fourth respondent, majority of the workmen of the petitioner company resorted to illegal strike. The workers are demonstrating strike contrary to the provisions of Industrial Disputes Act and preventing the ingress and egress of the willing workmen who come to the factory. The petitioner has already given a representation on 17.11.2021 to the third respondent. Since the same was not considered, the present Writ Petition has been filed.



3. Heard the learned counsel for the petitioner and learned

Government Advocate (Crl.Side)

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4. The learned counsel for the petitioner submitted that already a civil suit has been filed by the petitioner in O.S. No.79/2017 on the file of District and Sessions Judge II, Kancheepuram for the relief of permanent injunction against the fourth respondent and their office bearers, members, men, agents, servants, etc., from in any way indulging in agitational or disruptive activities and obstruct the normal course of the business of the petitioner company including ingress and egress of the workers and others and restraining the fourth respondent from staging any demonstration, picketing, protest, assembly, oration, slogan shouting or any other activities of such nature in the precincts or within a radius of 500 meters from the petitioner company premises; the said suit was decreed as prayed for on 05.12.2020.

5. In a similar such circumstance, the petitioner had also filed a Writ Petition in W.P. No.3894 of 2018 for seeking police protection and in which it has been specifically directed that the police shall act in accordance with the earlier direction given by this Court. Since the fourth respondent union is



demonstrating the strike and its members have gathered at the gate of the petitioner's factory premises, it will not be possible for the workmen to get into the premises to resume their work. The vehicles which carry goods and other materials from and out of the factory premises will not serve its purpose and hence the petitioner seeks police protection.

6. The learned Government Advocate (Crl.Side) submitted that the workmen have assembled only outside the gate of the petitioner premises and they are not causing any problem inside the petitioner premises; the representation of the petitioner dated 17.11.2022 is under consideration and it will be considered shortly.

7. Since the petitioner has already got a judgment in his favour for permanent injunction by restraining the fourth respondent and its workmen from demonstrating strike or similar such activities within the radius of 500 meters from the factory premises and preventing obstruction of free flow of vehicles in and out of the petitioner premises, it shall be obligatory on the part of the respondent police to ensure the same by doing the needful in accordance with law. Since the respondents 1 to 3 have already been



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directed to provide police protection, the respondents 1 to 3 shall do the needful for the free ingress and egress of the workmen and the vehicles from and out of the factory, by considering the representation of the petitioner dated 17.11.2022 as expeditiously as possible and issue appropriate orders suiting to the demand of the situation.

8. With the above direction, this Writ Petition is disposed of. Consequently connected miscellaneous petition is closed.

23.11.2022

Index : Yes/No
Speaking Order : Yes / No

Note to Office: Issue order copy by 25.11.2022

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To:

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1. The Superintendent of Police,
Kancheepuram District – 631 501.
2. The Deputy Superintendent of Police,
Sriperumbudur Subdivision,
Kancheepuram District.
3. The Inspector of Police,
Somangalam Police Station,
Sriperumbudur, Kancheepuram District.
4. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.,

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