



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.24342 of 2023
and W.M.P.No.23789 of 2023

Noble Tech Industries Pvt Ltd
Rep. by its Authorized Signatory – Ayush Kumar
No.14/2A2, Melpakkam Village,
Uthiramerur Taluk,
Kancheepuram – 603 402

...Petitioner

Vs.

1.The Inspector of Police,
G9, Perunagar Police Station,
Uthiramerur
Kancheepuram District.

2.Kancheepuram Podhu Tozhilalargal Sangam,
Rep. by its General Secretary,
Reg. No.526-KPM.
No.21B, Vilakkadi Koil Street,
Kancheepuram – 631 501.

..Respondents

PRAYER : PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus, directing the 1st respondent to prevent the striking workmen from illegally trespassing into the factory premises



and to maintain law and order and ensure free ingress and egress of men and material to and from the factory.

For Petitioner : Mr.S.Ravindran
Senior Counsel for
Mr.P.Nehru

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1

ORDER

This Writ Petition has been filed for a direction to the 1st Respondent to act upon the complaint given by the petitioner and prevent the workmen from illegally trespassing into the factory premises and to ensure free ingress and egress of men and material to and from the factory.

2.It is seen from the records that there is already a dispute between the management and the workmen and the conciliation is going on before the Deputy Commissioner of Labour. Through proceedings dated 11.08.2023, the concerned authority had also directed the workmen who are protesting by sitting inside the factory to withdraw their decision to ensure that there is smooth progress in the conciliation proceedings. In spite of the same, nearly 68 workers are said to be



indulging in sit in protest. A complaint was given to the 1st respondent on 12.08.2023, in this regard and it is pending in CSR No. 482/2023. Since no action was taken, the present writ petition has been filed before this Court.

3. Heard Mr.S.Ravindran, learned Senior Counsel appearing on behalf of the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of the 1st respondent.

4. The issue that is involved in the present writ petition was already dealt with by this Court in ***Hindustan Motor Finance Corporation Ltd., Thiruvallur vs. Superintendent of Police. Thiruvallur*** reported in 2019 (3) LLN 749 (Mad.). The relevant portions in the judgment are extracted hereunder:

16. It is clear from the above judgments that the entry by an employee during the working hours into the factory premises is lawful. However, they do not have the right to remain in the factory premises after the working hours and they continuing to remain in the factory premises after having entered lawfully is unlawful, and it will amount to trespass. An employee does not have the right to occupy the property of the employer. The act of



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the employees remaining after the working hours inside the factory premises will amount to seizure and holding of the building, preventing the use of the premises by the employer and practically depriving the employer of his property.

17. The conduct of respondents 3 to 21 in persisting to remain inside the factory premises of the petitioner all through the day is wholly unjustified. Even, if the respondents 3 to 21 are making efforts to impress upon the petitioner to continue their employment and by putting pressure are making the petitioner yield to their request, the method adopted by them in staying within the premises even after the working hours is unlawful. As held by this Court, the means adopted to achieve their object must also be lawful. The act of respondents 3 to 21 in continuing to occupy the premises right from 02.05.2019 onwards till date is intended to annoy, insult, intimidate and commit offences, and therefore it clearly falls within the mischief of Section 441 of IPC and the same will amount to criminal trespass.

18. This Court therefore has no hesitation to hold that the act of respondents 3 to 21 continuing to forcibly occupy the factory premises from 02.05.2019, till date clearly amounts to an offence under Section 441 of IPC and their continued sit in protest is unjustified and unlawful. Therefore, this Court has to



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necessarily dispose of this writ petition by giving certain directions.

5. In the present case also, 68 workers are said to be sitting inside the factory continuously by way of protest without leaving the factory premises. The complaint is pending before the first Respondent in this regard. The first respondent is directed to deal with the complaint pending in C.S.R. No. 482/2023 in the light of the above judgment and take a decision.

6. This writ petition is disposed of with above direction. No Costs. Consequently, connected miscellaneous petition is closed.

17.08.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
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Note: Issue Order Copy on 18.08.2023



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N.ANAND VENKATESH, J

SSR

To

- 1.The Inspector of Police,
G9, Perunagar Police Station,
Uthiramerur
Kancheepuram District.
- 2.The Public Prosecutor
High Court of Madras,
Madras.

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