



WEB COPY

W.P. No.23886 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2024

CORAM :

THE HON'BLE DR. JUSTICE G. JAYACHANDRAN

W.P. No.23886 of 2024 and W.M.P. No.26144 of 2024

BMW India Private Ltd.  
Plant Chennai  
No.36, I Cross Road  
Mahindra World City  
Natham Post  
Chengalpet 603 004  
represented by its Authorised Signatory  
Senthil Prakash

Petitioner

vs.

- 1 The Deputy Superintendent of Police  
Chengalpet Taluk  
Chengalpet District
- 2 The Inspector of Police  
Chengalpet Taluk  
Chengalpet District
- 3 BMW India Staff and Employees Union  
18/51 EWS NH1  
Parimelazhagar Street  
Maraimalai Nagar 603 209  
represented by its General Secretary

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to provide adequate police protection for ingress and egress of vehicles and people from in and out of the factory premises and further prevent and evict the trespassing workmen and members of the third respondent by ensuring that no striking workers assemble illegally in any form inside or in the radius of



500 metres from the petitioner's factory premises, viz., No.36, I Cross Road, Mahindra World City, Natham Post, Chengalpet 603 004 pursuant to the petitioner's complaint dated 08.08.2024.

|                |                                                  |
|----------------|--------------------------------------------------|
| For petitioner | Mr. Anand Gopalan<br>for M/s. AGAM Legal         |
| For RR 1 & 2   | Mr. S. Udaya Kumar<br>Govt. Advocate (Crl. Side) |
| For R3         | Mr. N.G.R. Prasad<br>for Mr. K.K. Ram Siddhartha |

### **ORDER**

This writ petition is filed seeking police protection for ingress and egress of vehicles and men to enter into and go out of the petitioner's factory premises in view of the strike notice dated 10.07.2024 issued by the third respondent union.

2. The petitioner, who is the representative of BMW India Pvt. Ltd., states that the tripartite agreement expired a few months ago and it has led to an industrial dispute, which is now the subject matter of conciliation proceedings; pending conciliation proceedings, the third respondent union has issued a strike notice dated 10.07.2024 and the members of the third respondent union are on strike.

<https://www.mhc.tn.gov.in/judis> 3. The petitioner Management is before this Court stating that on



06.08.2024, around 4.20 p.m., some of the employees entered the petitioner's factory premises and started their strike by squatting in the factory premises, thereby preventing not only the production work, but also the employees willing to work; therefore, the petitioner Management was forced to call police and at last, they left the factory premises only at 11.45 p.m.

4. The learned counsel for the third respondent union submitted that in spite of expiry of the tripartite agreement, the petitioner Management was not ready to review or revisit the terms of employment. In spite of repeated requests, the petitioner Management failed to hear the voice of the workers. Therefore, the matter has been referred to conciliation and the same is pending. He further submitted that the strike notice dated 10.07.2024 is in consonance with the provisions of the Industrial Disputes Act, 1947, and the members of the third respondent union are carrying out strike only in accordance with law and they are not preventing ingress or egress of people or materials to and from the petitioner's factory premises.

5. The learned Government Advocate (Crl. Side) submitted that



as per the police report, 5 persons were causing trouble to the petitioner Management and therefore, they were given paid leave; insisting that those five persons should be taken to work, around 140 workers are conducting strike and out of the said number of workers, some want to attend duty, while the remaining resist them.

6. To be noted, strike is a mode adopted by workers to express their grievance and the same is permissible, if it is done in accordance with law. Therefore, the petitioner Management cannot prevent the labourers on strike from expressing their displeasure over the attitude of the petitioner Management. However, strike should be done in a democratic way and there should not be any force or compulsion or wrongful restraint which will attract penal provisions.

7. The learned counsel for the third respondent union submitted that the striking employees will not enter the petitioner's factory premises and disturb either the production activity or the workers who are at work.

8. Hence, the police/respondents 1 and 2 are directed to ensure that there is no wrongful restraint, use of force or violation of penal provisions. They shall also ensure free ingress and egress of men and



material to and out of the petitioner' factory premises. If there is any interference or disturbance to the functioning of the factory by the workers on strike, the police shall proceed against them in accordance with law.

This writ petition is disposed of with the directions given in paragraph 8, *supra*, and by recording the submission made by the learned counsel for the third respondent union in paragraph 7, *supra*. No costs. Connected W.M.P. stands closed.

**16.08.2024**

cad



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**DR. G. JAYACHANDRAN, J.**

cad

To:

- 1 The Deputy Superintendent of Police  
Chengalpet Taluk  
Chengalpet District
- 2 The Inspector of Police  
Chengalpet Taluk  
Chengalpet District
- 3 The Public Prosecutor  
High Court of Madras  
Chennai 600 104

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