



W.P.No.36321 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.36321 of 2023
& WMP.No.36300 of 2023

M/s.Shalimar Paints Limited,
Gummidipoondi, Tiruvallur District
rep. By its Senior Manager

...Petitioner

Vs.

1.The Assistant Commissioner of Labour
(Conciliation), Kuralagam 3rd Floor,
Chennai – 108.

2.The Sub Inspector of Police,
Kavarapettai Police Station,
Thiruvallur District.

3.The General Secretary,
Kummidipoondi Constituency General
Workers' Progress Association,
No.2/447, Kummidipoondi Circle,
Thiruvallur District – 601 201.

...Respondents

Writ Petition under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus to direct the second respondent to provide adequate police protection for ingress and egress of vehicles and



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people from in and out of the factory premises of the petitioner and further prevent trespassing workmen by ensuring no striking workers assemble illegally in any form out of the radius of 500 meters from petitioner factory premises namely Shalimar Paints Limited, Plot No.19, Chinnapuliyur Village, Satyavedu Road, Sirupuzhalpettai Post, Gummidipoondi Taluk, Tiruvallur District – 601 201 pursuant to the complaint of the petitioner dated 18.12.2023.

For Petitioner : Mr.Anand Gopal
for M/s.AGAM Legal

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor
for R1 and R2

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 2nd respondent to provide police protection in order to ensure free ingress and egress of vehicles and men to and out of the factory premises and to further ensure that striking workers do not conduct any protest within a radius of 500 meters from the factory premises, based on the complaint given by the petitioner on 18.12.2023.



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2. The case of the petitioner is that they had engaged contract workmen through recognized contractors for engaging security guards for the factory premises. There was some conflict in the factory and the petitioner therefore intended to engage other contract workmen as Security guards for the plant. An agitation was started by the members of the 3rd respondent union and a dispute was also raised before the 1st respondent. The workmen affiliated to the 3rd respondent laid a flagpole near the factory gate and started obstructing the free ingress and egress of men and materials from and to of the factory premises. Hence, a complaint was given to the 2nd respondent on 18.12.2023 to give police protection and to prevent the striking workmen from obstructing the free ingress and egress from and to the factory. Since the same was not acted upon, the present writ petition has been filed before this Court.

3. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that the agitation went on from 18th to 20th



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December 2023 and ultimately, the striking workers were dispersed from the place only on 21.12.2023. Thereafter, there has been no obstruction caused. However, the learned counsel contended that there is a serious apprehension on the side of the management that once again there will be a illegal demonstration near the gate of the factory from 12.01.2024. Hence, the learned counsel requested this Court to issue appropriate directions to the 2nd respondent.

4. Taking into consideration the facts and circumstances of the case and the subsequent developments that had taken place in this case, if and when any obstruction is caused by the workmen near the factory gate, the petitioner shall give a fresh complaint to the 2nd respondent. On receipt of the same, the 2nd respondent shall provide necessary police protection by ensuring that there is free ingress and egress from and to the factory premises of both men and materials. That apart, the striking workers shall not be allowed to gather within a radius of 200 meters from the factory premises.



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5. This writ petition is disposed of in the above terms. No costs.

Consequently, the connected miscellaneous petition is closed.

04.01.2024

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

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To

1.The Assistant Commissioner of Labour
(Conciliation), Kuralagam 3rd Floor,
Chennai – 108.

2.The Sub Inspector of Police,
Kavarapettai Police Station,
Thiruvallur District.

3.The Public Prosecutor,
High Court of Madras.



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