



W.P.(MD)No.29131 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.29131 of 2024

Kappalur Industrialists Association,
Represented by its President,
Mr.P.N.Ragunatha Raja,
Plot No. 153, SIDCO Industrial Estate,
Kappalur, Thirumangalam Taluk,
Madurai District.

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Deputy Superintendent of Police,
Thirumangalam,
Madurai District.
- 3.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
- 4.The Inspector of Police,
Austinpatti Police Station,
Madurai District.
- 5.P.Virumandi,
Nethaji Subash Chandra Bose Load-Man Sangam,
Kappalur SiDCO, Thirumangalam Taluk,
Madurai District.



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6.Vijayakumar,
Sumai Thookum Thozhilalargal Munnetra Sangam,
Kappalur SIDCO,
Thirumangalam Taluk,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constiution of India, seeking to issue a Writ of Mandamus, directing the respondents 1 to 4 to pass appropriate orders and give necessary police protection to the Kappalur Industrialists Association members and their workers for doing their day today business affairs in manner to freedom without any hindrance from the 5th and 6th respondents Associations by considering the petitioner's representation dated 06.11.2024.

For Petitioner : Mr.B.Anandan

For R1 : Mr.M.Muthumanikkam
Government Advocate

For R2 to R4 : Mr.P.Kottaichamy
Government Advocate
(Criminal side)

ORDER

The petitioner, President of the Kappular Industrialists Association, submitted a complaint dated 06.11.2024 to the respondents. The petitioner's complaint concerns around 450 small and medium industries functioning in the Kappular Industrial Estate. These industries



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purchase raw materials and clear finished goods using lorry transport, for which loaders are typically engaged. There is no dispute for medium and large industries, as they use loaders who are members of either the fifth or sixth respondent Associations. However, there is a dispute between these two Associations over the charges for loading.

2. For small industries, loaders are not required, and employees of these industries handle the loading work since the goods are not heavy enough to require professional loaders. However, when small industries use their own employees, members of the fifth and sixth respondents Associations create disturbances, obstruct the work, and stop the loading process. Despite submitting a complaint on 06.11.2024, the petitioner claims that the respondent Police have failed to take action, leading to the filing of the present writ petition.

3. The learned counsel for the petitioner pointed out that in a similar situation, this Court had directed Police protection for loading and unloading activities in W.P.(MD)No.16864 of 2014. The petitioner seeks similar protection for their association.



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4. On the other hand, the learned Government Advocate (Criminal side) opposed the petitioner's request, stating that upon receiving the petitioner's complaint, both the fifth and sixth respondents were called for an enquiry. They appeared and claimed that the petitioner, as President of the Association, imposed unreasonable conditions and refused to pay the loading charges agreed by the other members. Hence, a dispute arose. The Thirumangalam Police conducted an enquiry, during which the fifth and sixth respondents assured that they would not obstruct any loading or unloading activities. The enquiry is pending for the petitioner appears.

5. The learned counsel for the petitioner, on instructions, submitted that the petitioner will appear before the Thirumangalam Town Police (the third respondent herein) on 12.12.2024 for the enquiry into the complaint. The third respondent is directed to conduct the enquiry and instruct the fifth and sixth respondents not to obstruct or disrupt industrial activities. Furthermore, the third respondent is reminded of the order passed by this Court dated 05.01.2023, in W.P.(MD)No.16864 of 2014, which addressed a similar issue. The fifth and sixth respondents



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are urged to cooperate and understand the challenges faced by small industries, refraining from making unreasonable demands that could disrupt their operations.

6. With the above direction, this Writ Petition is disposed of. No costs.

05.12.2024

NCC : Yes / No
Index : Yes / No
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To

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5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Order made in
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