



WP(MD)No.28425 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.28425 of 2023
and
W.M.P.(MD)No.24472 of 2023

K.Manikkavelu

... Petitioner

versus

1. The District Collector,
Trichy District.
2. The Deputy Commissioner of Labour,
Labour Welfare Department,
No.2, Abdul Salam Street,
Kajamalai Colony,
Kaja Nagar (Arabic College),
Trichy – 620 020,
Trichy District.
3. The Commissioner of Police,
Trichy Town.
4. The Inspector of Police,
Kottai Police Station,
Trichy Town.
5. A.Veeramani



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6. S.Senthil Kumar

7. Veeramani

8. Saagull Hamid

9. Kalieswaran

10. Theivendaran

11. R.Nagraj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the 3rd and 4th respondents to provide necessary police protection to the petitioner's Association's Traders, their employee's life and limb and to conduct their waste paper and old materials business in the Trichy Town within the jurisdiction of the 4th respondent Police Station based on the petitioner's representation dated 16.10.2023.

For Petitioner : Mr.C.S.Ravichandran

For R1 to R4 : Mr.E.Antony Sahaya Prabakar
Additional Public Prosecutor

ORDER

The petitioner is the President of Trichy District Waste Paper Association. He has filed this writ petition seeking a writ of mandamus, directing the respondents 3 and 4 to provide necessary police protection



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to the life and limb of the traders of the petitioner's Association and their employees, by considering his representation dated 16.10.2023.

2. The learned counsel appearing for the petitioner submits that the respondents 5 to 11, who are claiming to be the representatives of the Loadman Association, are demanding exorbitant amount as wages. The petitioner's Association are not in a position to accept the demand raised by the respondents 5 to 11 and therefore, they are loading and unloading their materials by their employees. Even for this, the respondents 5 to 11 are not permitting the employees to load and unload the materials in the petitioner's shop. Hence, the petitioner's Association are not in a position to conduct the business in a peaceful manner. Therefore, the petitioner has sought for police protection from the respondent Police.

3. Considering the submission of the learned counsel for the petitioner, this Court has ordered notice to the private respondents and directed the respondent Police to file a counter affidavit. The



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respondents 5 to 11 are represented through a counsel, who has deliberately not appeared before this Court.

4. The 4th respondent/the Inspector of Police, Kottai Police Station, Trichy, has filed a counter affidavit in this writ petition. In the counter affidavit, the 4th respondent has simply denied the allegations made by the petitioner in this writ petition. The 4th respondent has not stated anything about the enquiry, if any, conducted by him and as to whether the allegations are true or not. The counter affidavit filed by the 4th respondent running into 9 pages is nothing, but the counter affidavit appears to be filed by the respondents 5 to 11. Therefore, this Court is under the impression that the 4th respondent Police is supporting the respondents 5 to 11.

5. The petitioner's Association is consisting of 15 traders, doing waste paper business. The petitioner's Association is having a right to conduct the trade in a free manner. It is a right guaranteed under the Constitution of India. The petitioner's Association or anybody else



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cannot be compelled that they have to engage a particular person or a load man to load or unload their materials. If it is feasible for the petitioner's Association, they can avail their service. If it is not feasible for the petitioner's Association to pay the amount demanded by the respondents 5 to 11, it is always open to the petitioner's Association to load and unload the materials by their employees.

6. The respondents 5 to 11 cannot dictate the terms with the petitioner's Association. The traders of the petitioner's Association have to survive and they have to make profit to provide salaries to their staff.

7. Therefore, considering the manner in which the counter affidavit was filed by the 4th respondent Police and the conduct of the respondents 5 to 11 in not appearing, though entered appearance through a counsel, this Court is of the view that the allegations made by the petitioner appear to be true and the 4th respondent Police is also supporting the respondents 5 to 11 for their extraction.



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8. Therefore, this writ petition is allowed with a direction to the 4th respondent to provide police protection to the petitioner's Association and its traders. No costs. Consequently, connected miscellaneous petition is closed.

24.07.2024

Index :Yes/No
Internet : Yes/No
NCC : Yes/No.
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Madurai Bench of Madras High Court, Madurai.



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B.PUGALENDHI,J.

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