



W.P.No.11327 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment Reserved on : 04.07.2025

Judgment Delivered On : 12.09.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.11327 of 2025 and
WMP No.12763 of 2025

Hyundai Motor India Limited
Plot No.H-1, SIPCOT Industrial Park
Irrungattukottai
Sruiperumbudur Taluk
Kancheepuram District - 602 117
Rep. by its authorized Signatory

... Petitioner

Vs.

1. The General Secretary
Hyundai Motor India Employees Union
27, Mosque Street, Chepauk
Triplicane, Chennai - 600 005

2. The Inspector of Police
Sriperumbudur Police Station
Sriperumbudur Taluk
Kancheepuram District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to provide police protection to the petitioner, its properties, men and materials at H-1, SIPCOT Industrial Park, Irrungattukottai, Sriperumbudur,



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Kancheepuram District for free movement of men and materials from the above premises and prevent occurrence of unlawful activities at the instance of the first respondent, its members, men agents or persons acting in the name of first respondent and to remove the members of the first respondent from factory premises indulging in unlawful activities and to enforce the judgment and decree of permanent injunction decree granted by the District Munsif-cum-Judicial Magistrate Court, Sriperumbudur in O.S.No.65 of 2009, dated 30.03.2015.

For Petitioner : Mr.V.Raghavachari, Senior Advocate
for Mr.D.Abdullah

For Respondents : Mr.N.G.R.Prasad, Senior Advocate
for Mr.S.Sivakumar for R1

Dr.C.E.Pratap
Government Advocate (Crl. Side) for R2

ORDER

This Writ Petition has been filed to direct the second respondent to provide police protection to the petitioner/Factory, its properties, men and materials at H-1, SIPCOT Industrial Park, Irrungattukottai, Sriperumbudur, Kancheepuram District for free movement of men and materials from the above premises and prevent occurrence of unlawful activities at the instance of the first respondent, its members, men agents or persons acting in the name of first respondent and to remove the



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members of the first respondent from factory premises indulging in unlawful activities and to enforce the judgment and decree of permanent injunction decree granted by the District Munsif-cum-Judicial Magistrate Court, Sriperumbudur in O.S.No.65 of 2009, dated 30.03.2015.

2. According to learned Senior Advocate appearing for the petitioner, the petitioner is engaged in manufacturing of passenger cars and has got its manufacturing unit at Irungattukottai, Kancheepuram District. The petitioner has been declared as a Public Utility Service under the G.O. (Rt) 304 Labour dated 19.09.2024 by the State Government and the said notification extended from time to time. There are two unions functioning in the petitioner's factory, viz. United Union of Hyundai Employees and the first respondent herein. The first respondent union is a minority union. The conditions of service, relating to the quantum of salary, monetary and other benefits are governed by the long-term settlements entered with the majority union. The last settlement was made on 30.05.2022. The settlement was for the period of three years from 01.04.2021 to 31.03.2024. The members of the first respondent union have also subscribed to the settlement dated 30.05.2022 and receiving the benefits like that of the other workmen of the industry.

2.1 During the year 2007, the first respondent union instigated



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its members to indulge in large scale indiscipline at workplace which led to serious breach of indiscipline at work. On 29.04.2008, a group of workmen who were members of the first respondent union resorted to violence and ransacked the security office of the petitioner's factory and criminal cases were filed against 32 workmen. Disciplinary action was initiated against 76 workmen out of which 64 workmen were dismissed from employment for grievous misconduct committed by them. Later the dismissed workman entered into settlements with management individually and received compensation in lieu of re-employment.

2.2 The petitioner filed a suit for permanent injunction against the first respondent union in O.S.No.65 of 2009 before the District Munsif-Cum-Judicial Magistrate, Sriperumbudur, restraining the first respondent from resorting to illegal strike, demonstration, slogan shouting, showing billboards, conducting meetings, indulging in any unlawful activities, ghearing within the factory premises and within 500 metres radius of the factory premises, in any manner preventing ingress and egress of the executives, officials, trainees, regular workmen, contract workmen, customers, visitors, their servants, representatives, agents, movement of men and materials, semi finished and finished goods and vehicle into and out of factory premises of the petitioner/Factory. The



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first respondent contested the case initially and thereafter, the suit was decreed ex-parte by judgment and decree dated 30.03.2015 restraining the defendant, their officers, members, representatives, assigns servants, and agents or any person acting in the name and on behalf of the defendant from resorting to illegal strike, demonstration and unlawful activities within the factory premises of the petitioner/plaintiff and within 200 meters radius of the factory premises of the petitioner/plaintiff in any manner preventing ingress and egress of the executives, officials, trainees, regular workmen, contract workmen, customers, visitors, their servants, representatives, agents, movement of men and materials, semi finished & finished goods and vehicles into and out of the factory premises of the petitioner/plaintiff.

2.3 Once again the first respondent indulged in unlawful activities by instigating the workmen who are its members to resort to sit-in strike at the factory assembly line. Though the petitioner approached the second respondent/Police by way of filing complaint to take action against the erring members of the first respondent, the second respondent failed to take action. Hence the petitioner filed a Writ Petition in W.P.No.26909 of 2023 and the first respondent undertook before this Court that they would not continue with the stay in strike. Accordingly,

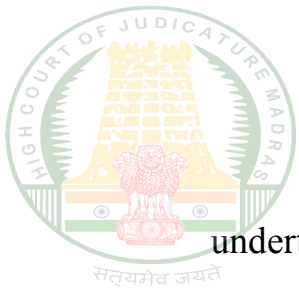


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this Court by order dated 12.09.2023 held that in the event of a sit-in strike by the first respondent in future, the second respondent police on petitioner's complaint should protect the petitioner as per the directions of this Court *in Hindustan Motor Finance Corporation Ltd. Vs. Superintendent of Police, Thiruvallur and others reported in (2019 (3) LLN 749 (Mad.).*

2.4 During December 2023, the Majority Union in the petitioner's Industry had requested the petitioner to provide a space in the factory premises to hold elections for ascertaining the majority of the union by secret ballot method. The first respondent immediately issued a notice threatening the petitioner that the first respondent will engage in strike if the Majority Union was allowed to hold elections in the factory premises. Hence, the petitioner approached the second respondent seeking police protection vide complaint dated 19.12.2023 and 21.12.2023. Since the police did not act on the complaints inspite of permanent injunction order granted by the Civil Court in O.S.No.65 of 2009 and the specific directions of this Court in W.P.No.26909 of 2023, the petitioner was constrained to approach this Court by way of filing a suit in C.S.No.6 of 2024. In the said suit, the first respondent gave an undertaking that they will not resort to sit-in strike and the said



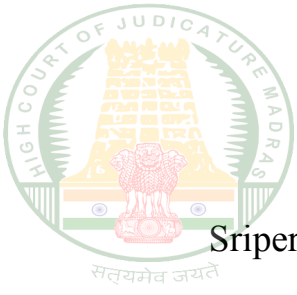
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undertaking was recorded by this Court by order order 11.01.2024 and

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2.5 The first respondent filed a Writ Petition in W.P.No.2517 of 2024 before this Court to direct the Labour Officer to conduct election by secret ballot to know which of the two unions have majority status in the industry. On entering appearance in the writ petition, the members of rival union who are also a party in the writ petition found that the signatures of its members found in the list of signatures filed in the writ petition based on which the first respondent sought its majority status in the industry, was forged. In such circumstances, the petitioner filed a complaint before the VII Metropolitan Magistrate, George Town, against the first respondent and its General Secretary for the offences under Sections 191 and 192 of IPC and the learned Magistrate took cognizance of the complaint after examining the witness as C.C.No.1103 of 2024 and the case was posted for trial on 28.03.2025.

2.6 Meanwhile, the first respondent Union which is an affiliate Union of CITU without any justification, issued a strike notice dated 28.02.2025 to petitioner contending that it will indulge in strike on 13.03.2025 or any day after 13.03.2025 to show solidarity for the striking workmen at the Samsung Electronics Limited at its factory in



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Sriperumbudur and the workmen who are members of the first respondent held a gate meeting on 10.03.2025. Thereafter, the first respondent issued a notice dated 21.03.2025 for indefinite strike from 05.04.2025 onwards.

2.7 On 19.03.2025 the members of the first respondent started approaching technicians of the petitioner with a request to participate in the strike and unlawful actions. Apprehending breach of the law and order, the petitioner gave a complaint dated 22.03.2025 to the second respondent/police to give protection to the petitioner's property, its workmen who are willing to report for work and to remove the workmen resorting to illegal activities inside and outside the factory premises based on the permanent injunction dated 30.03.2015 in O.S.No.65 of 2009 and the directions of this Court dated 12.09.2023 in WP.No.26909 of 2023. However, no action was taken.

2.8 Hence, the present petition is filed to direct the second respondent to provide police protection from the members, agents under the name of the first respondent from gathering at the factory gate or within the vicinity or 500 metres radius of the factory premises of the petitioner and from indulging in stay in strike or by any acts either directly or indirectly resulting in any situation violating law against the



petitioner.

WEB COPY 2.9 The learned counsel for the petitioner placed reliance of the judgments of the Hon'ble Supreme Court and also this Court as follows:

1. The Management of SNY Autotech Pvt. Ltd. Vs. The Inspector of Police Sriperumbudur and another reported in 2018 SCC Online Mad 3390

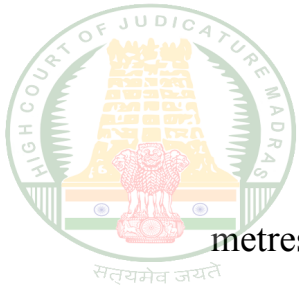
2. In Bhudev Malick and Ors. Vs. Ranajit Ghoshal and Ors. reported in MANU/SC/0174/2025

3. Radhika Sri Hari and another Vs. The Commissioner of Police, Coimbatore City and another reported in 2014-2-LW-927

4. In Vasavi Vs. The District Collector, Trichy in W.P.(MD) No.14527 of 2020 dated 10.11.2022

5. In Chennai Yetrumathi Valaga Uzhiyargal Matrum Podhu Thozhilalar Sangam, Chennai Vs. Commissioner of Labour, Chennai others in W.A.Nos.100 and 101 of 2017 dated 19.06.2019 (MHC)

3. The learned Senior Advocate appearing for the first respondent submitted that the present writ petition seeking police protection and preventing the workers from demonstrating or stalling work within 500



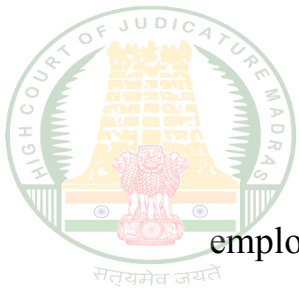
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metres is not maintainable as the petitioner had already approached this

Court with an identical prayer in W.P.No.26909 of 2023 and the suit filed by the petitioner in C.S.No.6 of 2024 is still pending. The action of the petitioner is hit by the principles of constructive *res-judicata*. A Division Bench of this Court in a decision reported in 2005 (2) TLNJ page 51 has discouraged filing writ petitions with such prayers for invoking the extraordinary remedy under Article 226 of the Constitution of India.

3.1 The first respondent Union is a registered trade union, affiliated to CITU which was formed in the year 2007 to secure the industrial rights and welfare of the employees of the petitioner/industry and it has been governed by its by-laws incorporated and registered on 23.07.2007 before the Additional Registrar of Trade Unions, Chennai. The first respondent union is representing more than 60% of permanent workmen in the petitioner/industry. The first respondent union have been giving representations to the petitioner management informing and providing to them the list of elected members of their union and a list of protected workmen along with the charter of demands. The petitioner management has been continuously not considering the representations given by the first respondent union and raised several disputes before the Conciliation authority. Meanwhile, the petitioner encouraged some of the permanent



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employees to start a rival union "United Union of Hyundai Employees" in the year 2011. The said rival union is a sponsored union of the petitioner/industry. The said rival union is representing the minority workers in the petitioner management. The petitioner management had entered into a long term wage settlement under Section 18(1) of Industrial Disputes Act with the United Union of Hyundai Employees since 2012. The last long term 18(1) settlement was entered into in the year 2021. The said settlement is valid for a period of 3 years from 01.04.2021 to 31.03.2024.

3.2 The first respondent Union had sent a representation to the petitioner through e-mail on 09.12.2023 requesting to conduct election through secret ballot. Since the petitioner did not take any steps to the union's e-mail representation, the first respondent union sent a strike notice dated 16.12.2023 to the petitioner management through email on 18.12.2023 and a copy was sent to the Commissioner of Labour and Deputy Commissioner of Labour (Conciliation-I) stating that the petitioner management is continuously threatening the members of the first respondent union to join the management sponsored union-United Union of Employees which is a unfair labour practice. A dispute was raised by the first respondent union before the authority against the unfair



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labour practice of the petitioner management. On receiving the strike notice, the Assistant Commissioner of Labour (Conciliation-1), Sriperumbudur had conducted conciliation on 18.12.2023 and subsequently on 21.12.2023 and 26.12.2023. On the advise of the authority, the first respondent union did not go for strike and the first respondent filed a petition in W.P.No.2517 of 2024 before this Court seeking direction to the Commissioner of Labour to hold election to determine the relative strength of all the registered trade unions in the petitioner/industry by way of secret ballot to be conducted under the overall supervision of the Commissioner of Labour and the same is pending. While the conciliation proceedings were pending and suppressing the advice of the conciliation authority dated 26.12.2023, the petitioner approached the Court by way of filing a suit in C.S.No.6 of 2024 when there is no cause of action of any threatening against the petitioner Management. The allegation of the petitioner that the first respondent issued notice threatening the petitioner to engage in strike if the majority union was allowed to hold elections in the factory premises, is totally false. It is also false that the first respondent union filed fabricated documents in W.P.No.2517 of 2024 preferred by the first respondent.



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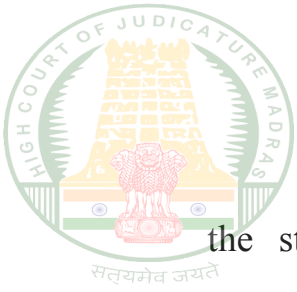
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3.3 It is true that the first respondent issued a strike notice dated

28.02.2025 to the petitioner that it will indulge in strike on 13.03.2025 or any day after 13.03.2025 to show the solidarity for the striking workmen at Samsung Electronics Limited, but the first respondent union did not go for strike as alleged by the petitioner since the issue related to the Samsung workers and the Samsung management was settled meanwhile.

3.4 It is also true that the first respondent had issued a strike notice dated 21.03.2025 since the petitioner failed to consider the first respondent union's charter of demands and to conduct election through secret ballot. With regard to the said demands, dispute was raised before the authority. But the petitioner did not participate and filed counter till date, whereas, the first respondent union on the advice of the authority did not go for any indefinite strike from 05.04.2025. The petitioner suppressing all the material facts that the first respondent did not resort for strike from 05.04.2025, got an ex-parte injunction from this Court.

3.5 Since the Petitioner did not participate in the conciliation proceedings and not co-operate to settle the dispute raised by the first respondent before the conciliation authority, the first respondent union issued a strike notice on 02.05.2025 and thereafter on the advice given by the conciliation officer on 05.05.2025, the first respondent has withdrawn



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the strike. Even thereafter, the petitioner did not co-operate for conciliation and hence, the first respondent issued a strike notice on 23.06.2025, but has not resorted to any strike till date.

3.6 It is false to state that the first respondent union went on sit-in strike as alleged by the petitioner on 25.06.2025. The alleged photos filed by the petitioner showing the sit-in strike in petitioner/industry were conducted by the rival union/United Union of Hyundai Employees and that the petitioner with malafide intention has filed the photos of the sit-in strike demonstrated by the rival union.

3.7 Therefore, there is no law and order situation such as to warrant police protection for ingress and egress of workers and staff of the petitioner. If the petitioner has given a complaint to the second respondent, it is for the police to decide whether the situation is so grave as to warrant police protection or not. It is the petitioner's hostile attitude towards the workers which is aggravating the situation. When genuine disputes relating to the charter of demands and to conduct election through secret ballot are pending, granting police protection would be weakening the bargaining power of the workers. Without resolving the workers' problem, the petitioner has repeatedly approaching this Court with similar prayers. It is an indirect way of threatening the workers and



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victimising them. The petitioner cannot maintain a writ petition against

the first respondent which is a trade union. The petitioner is indulging in

forum shopping and no prima facie case has been made out by the

petitioner. Therefore, there is no merits in this writ petition. It is therefore

prayed that this Court may be pleased to dismiss this Writ Petition.

3.8 The learned counsel for the first respondent also placed reliance of the judgments of this Court as follows:

1. M/s.CNF Automotive India Pvt. Ltd. Vs. The Superintendent of Police, Kancheepuram District in Crl.O.P.No.22032 of 2013 dated 05.09.2013

2. M/s.Hindusthan National Glass & Industries Ltd. Vs. The Superintendent of Police and 4 others. in W.P.No.26548 of 2021 dated 29.05.2025.

3. Shanmugam General Secretary Labour Progressive Federation Vs. The Government of Tamil Nadu in W.A.No.1912 of 2011 dated 21.01.2025.

4. DMK ICF Labour Union Vs. ICF Mazdoor Sangh in W.A.No.1729 of 2011 dated 22.10.2024.

4. Heard both sides and perused the materials available on



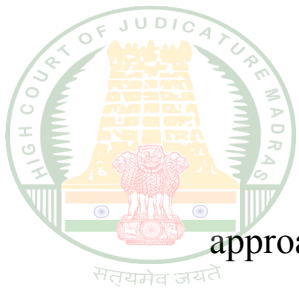
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5. A perusal of the records shows that that the petitioner is engaged in the manufacturing of passenger cars. The petitioner has been declared as a Public Utility Service under the G.O. (Rt) 304 Labour dated 19.09.2024 by the State Government. There are two unions functioning in the petitioner's industry in which, the first respondent one of the unions and the members of the first respondent union are working in the petitioner/industry.

6. On earlier occasion the petitioner had filed a suit in O.S.No.65 of 2009 before the District Munsif-cum-Judicial Magistrate Court, Sriperumbudur to restrain the first respondent from resorting to illegal strike and indulging in any unlawful activities within the factory premises and within 500 metres radius of the factory premises in which, an ex-parte decree was passed on 30.03.2015 restraining the defendant and its members from resorting to illegal strike, demonstration and unlawful activities within the factory premises of the plaintiff and within 200 meters radius of the factory premises of the petitioner/plaintiff.

7. Despite the same, once again the first respondent indulged in unlawful activities by instigating the workmen who are its members to resort to sit-in strike at the factory assembly line. Though the petitioner

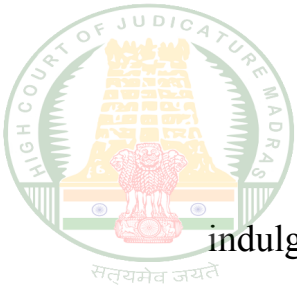


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approached the second respondent/Police by way of filing complaint to take action against the erring members of the first respondent, the second respondent failed to take action. Hence the petitioner filed a writ petition before this Court in W.P.No.26909 of 2023 in which the first respondent represented that they do not intend to once again go on a sit in protest in the factory premises based on which, this Court by order dated 12.09.2023 held as follows:

*6. In the light of the above submission, this Court is of the fond hope that the petitioner and the first respondent will be able to reach a settlement before the Conciliation Officer and the first respondent will also act upon the undertaking that was given before this court that they will not go on a sit in protest in the factory premises. If the first respondent decides to once again resort to a sit in protest in future, it is left open to the petitioner to give a complaint to the second respondent and the second respondent shall act upon the same and deal with the complaint in line with the judgment of this Court **Hindustan Motor Finance Corporation Ltd. V. Superintendent of Police, Thiruvallur and others [2019 (3) LLN 749 (Mad)]**.*

8. According to the petitioner, the members of the first respondent



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indulged in strike and also disturbing the other workers those coming for

work. Therefore, the petitioner approached the second respondent police.

However, no action was taken.

9. Though the workers have got right to demonstrate for their demands from the management, they have to follow the Industrial Disputes Act and also the Factories Act. At any cost, the members of the first respondent cannot trespass into the petitioner's factory premises or prevent other workers.

10. Therefore, the second respondent police is directed to give necessary police protection to the petitioner from the first respondent and its members from trespassing into the premises and ensure that they should not protest either inside the petitioner/factory or within the radius of 500 metres of the petitioner's factory premises.

11. With the above directions, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index : Yes/No

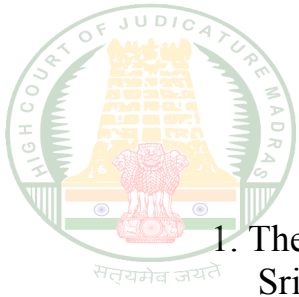
Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

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1. The District Munsif-cum-Judicial Magistrate
Sriperumbudur
2. The Inspector of Police
Sriperumbudur Police Station
Sriperumbudur Taluk
Kancheepuram District
3. The Public Prosecutor,
High Court, Madras.



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Pre-Delivery Order in
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