



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

**W.P. (CrI.) No. 1586 of 2025
and WPMP.CrI.No.761 of 2025**

1. Electromags
(A Division of the Bombay Burmah
Trading Corporation Ltd), Plot
Nos.128-133 and 134-137. Nehru
Nagar, 3rd Cross Street, Kottivakkam,
Chennai.

Petitioner

Vs

1. The Inspector of Police
J-13, Taramani Police Station,
Taramani.

2. Deputy Commissioner of Labour
Chengelpet.

3. Engineering Eletronics and Workers
Union
VPC Illam, Plot No.291, 4th main road,
Burma Colony, Perungudi, Chennai.

Respondent(s)

PRAYER: Writ Petition (Criminal) filed under Section 226 of the Constitution of India, praying to issue a Writ direction or order in the nature of WRIT OF MANDAMUS directing the 1st respondent herein to provide adequate police protection for ingress and egress of vehicles, employees, workers, contract



workers and suppliers in and out of factory premises and further vacate the trespassing persons by ensuring that no person resorting to an illegal strike assemble illegally in any form within the radius of 500 meters from the petitioners unit 2 and 3 factory premises at Plot Nos.128-133, 134-137 Nehru Nagar, 3rd cross street, Kottivakkam and Unit 1 at No.3, 10th link road Venkateswara colony, Nehru Nagar, Kottivakkam, Chennai.

For Petitioner: Mr.P.M.N.Bhagavath Krishnan

For Respondents Mr.S.Santhosh
1 & 2: Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed praying to direct the first respondent to provide adequate police protection for ingress and egress of vehicles, employees, workers, contract workers and suppliers in and out of factory premises and further vacate the trespassing persons by ensuring that no person resorting to an illegal strike assemble illegally in any form within the radius of 500 meters from the petitioners unit 2 and 3 factory premises at Plot Nos.128-133, 134-137 Nehru Nagar, 3rd Cross Street, Kottivakkam and Unit 1 at No.3, 10th Link Road Venkateswara Colony, Nehru Nagar, Kottivakkam, Chennai.

2. (a) The case of the Petitioner Company is that they are manufacturer of ancillary spare parts for bikes, cars and other automobiles and their factory is



located in Kottivakkam, Chennai. They employed 650 employees out of which 95 employees constitute the 3rd respondent union.

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(b) During the financial year 2024-2025, the petitioner company is said to have earned only a marginal benefit due to increase in the cost of raw materials and significant rise in manpower cost and in order to achieve sustained profit, expansion of manufacturing unit is necessary and the existing factory premises at Kottivakkam was not conducive to such expansion. Therefore, petitioner is said to have found another factory premises in Plot No.B-10, C-13 at CMDA Industrial Complex, Maraimalai Nagar. Regarding relocation of the factory premises, the proposal was informed to the employees. But the 3rd respondent Union raised objections and vide letter dated 15.03.2025, submitted certain demands like Special Allowance, Bus facility, providing food in the canteen at the cost of the petitioner etc. Upon receipt of demand notice, the petitioner and the 3rd respondent engaged in discussions starting on 27.03.2025 and continued deliberations on subsequent dates to address the issues raised.

(c) When matters stood thus, on 01.09.2025, the 3rd respondent issued another Demand Notice seeking 20% Bonus. Pursuant to the said demand, the petitioner and the 3rd respondent engaged in multiple rounds of discussions on 15.09.2025, 24.09.2025, 27.09.2025, 07.10.2025 and 10.10.2025 with the



objective of arriving at an amicable settlement.

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(d) With respect to the payment of Bonus and other issues, the 3rd respondent approached the 2nd respondent / Deputy Commissioner of Labour (DCL) and initiated conciliation proceedings. The Petition related to the demand for 20% bonus was submitted to the 2nd respondent on 12.09.2025. In response, the Deputy Commissioner of Labour issued an intimation letter dated 25.09.2025, fixing the hearing on 09.10.2025. However, the petitioner did not receive the said notice and consequently, did not attend the hearing. Thereafter, the petitioner issued a Circular dated 18.10.2025, issuing statutory bonus and the same was disbursed on 18.10.2025 for the festival of Diwali. However, the 3rd respondent Union issued a response dated 23.10.2025 objecting to the unilateral decision taken by the petitioner. In the meantime, on 17.10.2025, the members of the 3rd respondent Union held a gate meeting during which they made certain allegations against the petitioner. With regard to relocation demand petition dated 06.10.2025 and bonus petition dated 12.09.2025, the petitioner issued a Circular under Section 9 of the Industrial Disputes Act, formally intimating all employees of the proposed relocation of the factory premises and the 3rd respondent reiterated its earlier demands.

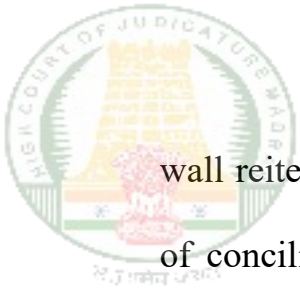
(e) The petitioner and the 3rd respondent held internal discussions on



15.11.2025 and 19.11.2025 in an effort to resolve the outstanding issues. In the meantime, on 17.11.2025, the 3rd respondent issued a Strike Notice under Section 22(1) of the Industrial Disputes Act. The petitioner was taken aback by the issuance of the Strike Notice, particularly in light of the fact that conciliation proceedings before the 2nd respondent were still pending.

(f) The petitioner submits that any strike during the pendency of conciliation proceedings is illegal under the provisions of the Industrial Disputes Act. On 19.11.2025, petitioner addressed a communication to the 2nd respondent intimating the issuance of the Strike Notice dated 17.11.2025 by the 3rd respondent. The petitioner also communicated to the 1st respondent informing that the 3rd respondent was likely to resort to an illegal strike during the pendency of conciliation proceedings and requested police protection to safeguard its premises, employees and operations.

(g) The petitioner states that despite continuous and genuine efforts to engage in discussions and explore practical solutions to address employees' concerns, the 3rd respondent Union has persisted with an obstructive course of action by (1) raising demands (2) engaging in defamatory conduct by circulating false allegations on social media and expressing intent to share such content with customers; (3) displaying banners on the petitioner's compound



will reiterating its demands and (4) issuing a strike notice during the pendency of conciliation proceedings, in clear violation of Section 22 of the Industrial Disputes Act. According to the petitioner, despite ongoing dialogue and good faith efforts by the petitioner, the threat given by the 3rd respondent Union that it will resort to illegal strike will cause irreparable loss and hardship and affect the operations of the petitioner company. Therefore, the petitioner sought for a direction to the 1st respondent to provide adequate police protection for ingress and egress of vehicles, employees, workers, contract workers and suppliers in and out of factory premises and to vacate the trespassing persons by ensuring that no person resorting to an illegal strike assemble illegally in any form within the radius of 500 Meters from the petitioner's Unit 2 and 3 factory premises at Kottivakkam.

3. Mr.P.M.N.Bhagavath Krishnan, learned counsel appearing for the petitioner would submit that the third respondent and its Members are indulging in unfair illegal activities and are preventing ingress and egress of men and machinery into the factory premises of the Petitioner Company. He would further submit that though their only concern is that ingress and egress of men and machinery into the petitioner's company should not be prevented by the 3rd respondent and hence the petitioner seeks police protection.



4. Mr.S.Santhosh, learned Government Advocate (Criminal Side), would submit that as per the instruction from the 2nd respondent, the conciliation between the 3rd respondent and the petitioner company is pending on the file of the 2nd respondent. He would further submit that in the event of any information regarding breach of peace and law and order, the first respondent will take appropriate action.

5. Heard the learned counsel and perused the materials available on record.

6. Considering the submissions of both sides, this Court directs the first respondent Police to give adequate protection if ingress and egress of men and machinery in and out of the factory premises is curtailed. The first respondent shall also ensure that no demonstrating or striking persons assemble illegally in any form within the radius of 500 meters from the main gate of the petitioner/ factory premises.

7. With the above directions, this Writ Petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs. Consequently, connected MP is closed.

08-12-2025

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Neutral Citation:Yes/No



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- To
- 1.The Inspector of Police
J-13, Taramani Police Station,
Taramani.
 - 2.Deputy Commissioner of Labour
Chengelpet.
 3. The Public Prosecutor, Madras High Court, Chennai-600 104.



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