



Writ Petition No.5874 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON : 23.04.2025

PRONOUNCED ON :16.07.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

Writ Petition (MD)No.5874 of 2025
and W.M.P. (MD)Nos.4277 and 8803 of 2025

Madura Coats Private Limited,
83 and 88, Beach Road,
Tuticorin,
Thoothukudi, Tamil Nadu,
Rep by its HR BO – India Manufacturing
Thiru S.Inbaraj.

...Petitioner

Vs

- 1.The Inspector of Police,
North Police Station,
Tuticorin.
- 2.The Superintendent of Police,
Tuticorin.
- 3.The Assistant Commissioner of Labour (Conciliation),
Combined Labour Department Building,
1st Floor, Soriespuram,
Tuticorin – 628 101.
- 4.The General Secretary,
Nellai Chidambaranar District National
Panchalai Worker Union,
156, Kalliappapillai Street,
Tuticorin – 628 002.

... Respondents



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PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus to direct the respondents 1 and 2 to provide adequate police protection for ingress and egress of vehicles and people from in and out of the factory premises, ensure no workers assemble illegally in any from 500 meters from petitioner factory premises namely 83 and 88, Beach Road, Tuticorin, Toothukudi, or prevent the movement of machinery to the other factories of the petitioner, pursuant to the complaint of the petitioner dated 10.01.2025.

For Petitioner : Mr.Anandha Gopalan
for M/s.Agam Legal
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.side)
for R1 and R2
No Appearance for R3
Mr.S.Kumar for R4

ORDER

This writ petition is filed to direct the respondents 1 and 2 to provide adequate police protection for the ingress and egress of vehicles and people from in and out of the factory premises, ensure no workers assemble illegally in any from 500 meters from petitioner factory premises namely 83 and 88, Beach Road, Tuticorin, or prevent the movement of machinery to the other factories of the petitioner, pursuant to the complaint of the petitioner dated 10.01.2025.



2. The learned counsel appearing for the petitioner would

submit that the petitioner is the manufacturer of yarns. The Tuticorin factory in the recent past has become unviable and so the petitioner has not been able to operate the said unit in a viable manner. Therefore, the petitioner has put up a notice on 23.10.2024 offering the workmen of the Tuticorin factory alternative employment in the Ambasamudaram and Madurai Factories. Out of 164 workmen on the rolls of the factory, 43 workmen opted transfer to Ambasamudaram factory and one to Madurai factory. Following this, a Voluntary Retirement Scheme was announced on 20.11.2024 for one set of employees, on 28.11.2024 and on 03.12.2024, for another set of employees. The remaining 120 workmen of the factory availed the VRS scheme and were duly relieved from the service of the petitioner on 07.12.2024. All the dues payable to them were paid in terms of the VRS scheme. On 10.12.2024, a communication was sent to the various officials intimating the suspension of the operations and that no workmen was under the rolls of the factory. The statutory dues such as gratuity, encashment of unavailed earned leave, bonus till the last date of working was also settled by cheque to some workmen during December 2024 and for the remaining workmen paid through bank RTGS on 03.01.2025. While so,



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on 07.01.2025, an industrial dispute was raised by the 4th respondent union claiming that the factory should be reopened and operated, whereas by the said date, all the workmen were duly settled, and has left the services of the petitioner. under these circumstances, the petitioner approached this Court to close the proceedings entertained by the third respondent based on the objection of the 4th respondent and the same is pending in Writ Petition (MD).No.2768 of 2025. While so, the petitioner sought to remove the machineries from its factory, the 4th respondent union and few others have prevented the same and as a result, the petitioner has not been able to remove the machinery. Therefore, the petitioner submitted complaint on 10.01.2025 before the first respondent viz., Inspector of Police, North Police Station, Tuticorin for providing police protection, to remove the machinery from its factory. However, the 4th respondent is a trade union, the respondent police are hesitant to provide protection and hence the petitioner has also impleaded the respondents 3 and 4 as a party to this writ petition.

3. During the pendency of the proceedings, the Tahsildar had issued notice dated 13.02.2025 for a peace committee meeting to the



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petitioner and all the respondents to be held on 17.02.2025. At that time, a group of staff represented in the peace committee meeting and raised two demands to pay additional Voluntary Retirement amount to pay gratuity at the rate of 30% at the rate of 30 days per year of service. Thereafter, the peace committee meeting was adjourned to 27.02.2025. Therefore, the respondent police hesitated to intervene in the matter and to provide the police protection and therefore he filed this writ petition.

4. The learned Government Advocate appearing for the respondents 1 and 2 would submit that there is a dispute between the petitioner and the 4th respondent in respect of the labour dispute and conciliation proceedings also pending with the third respondent. While so, the petitioner also filed a Writ Petition (MD).No.2768 of 2025 and the same is pending for adjudication. The petitioner sent a representation dated 10.01.2025 to provide police protection, since there is a dispute between the parties in respect of the labour issue to remove the machineries, the police protection cannot be granted unless there is any order from the Court in favour of the petitioner. Therefore, they will abide the order passed by this Court in this regard.



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5. The learned counsel appearing for the 4th respondent would

submit that the petitioner management retrenched the number of workers by saying one or other reasons and they attempted to sell the mill lands to 3rd party without considering the survival of workers and the 27 workers of the petitioner mill have been enrolled as members of the 4th respondent union. In order to protect the livelihood of the workers, the 4th respondent sent a representation dated 03.10.2024 to the Commissioner of Labour, Chennai, requested him to take appropriate action to continuously operate the mill and conciliation proceedings are pending with the third respondent in respect of the operation of mill. In the mean time, the petitioner also filed a Writ Petition (MD).No.2768 of 2025 to close the proceedings of the 3rd respondent and the same is pending for adjudication. While so, the petitioner in order to remove the machineries from the factory unlawfully filed this petition. Therefore, the 4th respondent union has every right to agitate illegal act of the petitioner's mill and it cannot be prevented in the guise of getting police protection and therefore, the writ petition is liable to be dismissed.



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6. This Court heard both sides and perused the records. In

WEB COPY this case, the petitioner decided to close the mill concerning in Tuticorin District due to the factory situated Tuticorin District has become unviable and not able to operate the said unit in a viable manner. Therefore, issued notice dated 23.10.2024, offering the workmen of Tuticorin factory alternative employment at Ambasamudiram factory or Madurai factory and some of the persons have opted for transfer to Ambasamudiram factory and Madurai factory and some of the workers who have opted Voluntary Retirement accepted the scheme introduced by the management. While so, the petitioner now wanted to remove the machineries from the Tuticorin factory to some other factories of the petitioner. However, the 4th respondent prevented the petitioner from removing the machineries on the ground that the some of the 27 workers from the petitioner's management got membership of the 4th respondent and they raised industrial dispute and the same is pending for conciliation. Therefore, the petitioner approached the respondents 1 and 2 for police protection and the same was not considered.



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7. It is admitted fact that the petitioner approached this Court

to close the conciliation proceedings by the third respondent through Writ Petition (MD).No.2768 of 2025 and the same is pending before this Court. In the meantime, the petitioner filed this petition for grant of police protection stating that the fourth respondent is causing disturbance to the ingress and egress of the vehicles and people from in and out of the factory premises and also prevented the movement to the machineries of the other factory of the petitioner. Since the conciliation proceedings are pending before the 3rd respondent and the petitioner also approached this Court in Writ Petition (MD).No.2768 of 2025 and the same is pending, it is not appropriate to grant police protection for the movement of machinery to the other factories of the petitioner. However, in order to ensure the ingress and egress of the vehicles and people from in and out the factory premises, the petitioner is entitled to police protection.

8. The learned counsel appearing for the petitioner also relied upon the following judgments:

(i) ***Chelpark Company Limited Vs. the Commissioner of Police, Madras and others*** reported in (1967) 2 LLJ 836;



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(ii) The management of SNY Auto Tech Pvt Ltd., Vs. The

Inspector of Police, CI Police Station, Sriperumbadur and another in

W.P.No.2018 SCC Online Mad 3390;

(iii) *Royal Enfiled Vs. The Inspector of Police and another*

reported in *2018 SCC Online Mad 11548*;

(iv) *Hindustan Motor Finance Corporation Limited*

Vs.Superintendent of Police and others reported in *2019 LLR 869*;

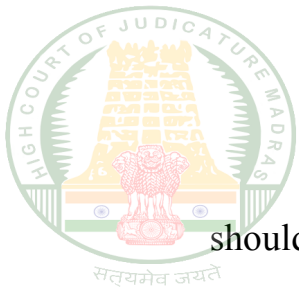
(v) Luminous Power Technology Vs. The Inspector of Police

and another in W.P.No.18764 of 2019;

(vi) Paracoat Products Private Limited Vs. The Inspector of

Police and another in W.P.No.3845 of 2022.

9. On careful perusal of the above said judgments, it is clear that the capital and labour should contribute equally for its development and progress and the rights and interest of both the employer and employee

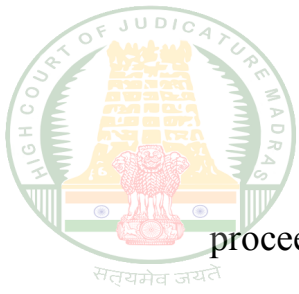


should be protected. But if they transgress the bounds of law and create an atmosphere likely to affect law and order which are the foundations of the civilization of the society, the police should not lag behind to do the statutory duty of taking appropriate action contemplated by law and in order to maintain the law and order and also in order to ensure the free ingress and egress of men and materials, police protection has to be given to the factory premises in order to run the day today activities.

10. The learned counsel appearing for the 4th respondent also relied upon the judgment of this Court in ***United Labour Federation Vs. Government of Tamil Nadu and others*** reported in ***2013 SCC Online Mad 1857***.

11. on careful perusal of the above said judgment, it is clear that when there is a strike and the dispute is pending for adjudication, it is not appropriate to remove the machineries from the factory premises.

12. In the case on hand, according to the petitioner, for all the employees entire benefits have been settled. However, conciliation



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proceedings are pending and the writ petition is also filed by the petitioner to close the conciliation proceedings. Therefore, it is not appropriate to give police protection for removing the machineries from the factory. At the same time, the petitioner is entitled to police protection for the ingress and egress of the vehicle movement and persons for maintenance and other purposes.

13. With the above said observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

16.07.2025

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To

1.The Inspector of Police,
North Police Station,
Tuticorin.

2.The Superintendent of Police,
Tuticorin.

3.The Assistant Commissioner of Labour (Conciliation),
Combined Labour Department Building,
1st Floor, Soriespuram,
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4.The General Secretary,
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156, Kalliappapillai Street,
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Pre-delivery order made in
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