

W.P(MD)No.10920 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.10920 of 2023

and

W.M.P(MD)No.9563 of 2023

Sai Suresh

... Petitioner

Vs

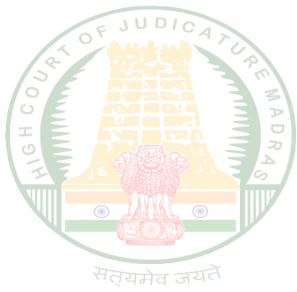
1.The Superintendent of Police,  
Kanyakumari District at Nagercoil.

2.The Deputy Commissioner of Labour,  
Mediation and Conciliation,  
Nagercoil.

3.The Inspector of Police,  
Vadaseri Police Station,  
Nagercoil.

4.G.Chandra Bose,  
Nagercoil Barrow and Lorry Load Lifting  
Laborers Association, (Kaivandi),  
Reg.No.328/K.K.M. 343-B M.S.Road,  
Vetturiniadam, Nagercoil,  
Kanyakumari District.

... Respondents



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**PRAYER:** Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent vide Na.Ka.No.141/2022 dated 27.06.2022 and quash the same as illegal and may consequently direct the respondents 1 and 3 to give adequate police protection to the petitioner and his business activities and may save the petitioner from the threat and coercion to do his trade as guaranteed under Constitution of India.

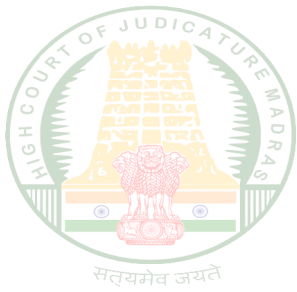
For Petitioner : Mr.K.P.Narayana Kumar

For Respondents : Mr.M.Mahaboob Athiff (R1 to R3)  
Counsel for Government of Tamil Nadu

: Mr.N.Pragalathan (R4)

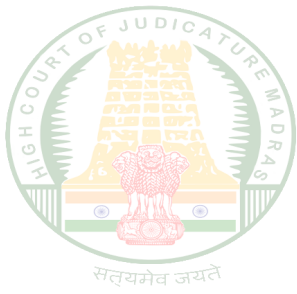
**ORDER**

This Writ Petition has been filed challenging the impugned order passed by the second respondent dated 27.06.2022 and consequently seeking a direction to respondents 1 and 3 to provide adequate police protection to the petitioner and his business activities, so as to enable him to carry on his trade without any threat, coercion or interference, as guaranteed under Article 19(1)(g) of the Constitution of India.



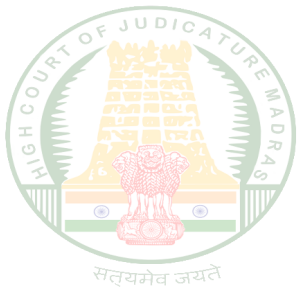
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2.The learned counsel appearing for the petitioner submitted that the petitioner is carrying on a parcel service business under the name and style of "U and Me Roadway Parcel Service", which is a partnership firm registered under Section 58(1) of the Indian Partnership Act, 1932. It is submitted that the petitioner employs about ten workers for carrying out loading and unloading operations in connection with the business. According to the learned counsel, although the petitioner's own employees were carrying out the loading and unloading work, the members of the fourth respondent Association insisted that such work should be entrusted only to their members. It is further submitted that, in the alternative, the petitioner was compelled to pay wages to the members of the fourth respondent Association even without they performing any work, failing which the petitioner was threatened and obstructed in the conduct of his business.



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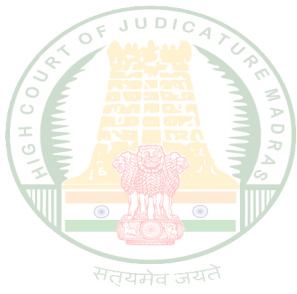
3.It is further submitted that, in view of the continuous interference by the members of the fourth respondent Association, the petitioner lodged a complaint before the third respondent on 05.01.2022. However, after enquiry, the third respondent directed the petitioner to pay wages to the members of the fourth respondent Association despite the fact that they had not performed any work. Aggrieved by the same, the petitioner preferred an appeal before the second respondent. The second respondent, by the impugned order dated 27.06.2022, directed the petitioner to pay "Marippu Kooli" to the members of the fourth respondent Association even though the petitioner had engaged his own workers for carrying out the loading and unloading operations. According to the learned counsel, such a direction compels the petitioner to pay wages twice, once to his own employees and again to the members of the fourth respondent Association, without any statutory basis. It is therefore contended that the impugned order is wholly without jurisdiction and liable to be set aside.



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4.Per contra, the learned counsel appearing for the fourth respondent submitted that there is no statutory enactment governing the payment of "Marippu Kooli". However, according to the learned counsel, such payment has been recognised as a long-standing customary practice in the border areas adjoining the State of Kerala, and it is on that basis that the impugned order came to be passed. Hence, it is contended that the impugned order does not warrant interference.

5.The learned counsel for Government of Tamil Nadu appearing for the respondents 2 and 3 fairly submitted that there is no statutory provision in force in the State of Tamil Nadu authorising the authorities to compel an employer to pay "Marippu Kooli". It is further submitted that the practice referred to by the fourth respondent is prevalent only in certain areas of the neighbouring State of Kerala and has no legal recognition or statutory backing in the State of Tamil Nadu. Therefore, the respondents 2 and 3 have no jurisdiction to issue any direction compelling payment of such wages.

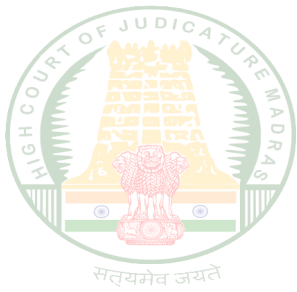


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6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. The issue involved in the present Writ Petition is no longer res integra. Admittedly, the petitioner is carrying on a lawful business by engaging his own employees for loading and unloading operations. The impugned order directs the petitioner to pay "Marippu Kooli" to the members of the fourth respondent Association despite the admitted fact that they have not rendered any service to the petitioner.

8. It is also not in dispute that there is no statutory provision in the State of Tamil Nadu authorising the respondents to compel an employer to pay wages to persons who have not performed any work. Even the learned counsel for Government of Tamil Nadu appearing for respondents 2 and 3



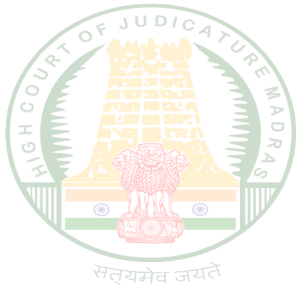
**W.P(MD)No.10920 of 2023**

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has fairly submitted that the authorities have no jurisdiction to pass such an order and that the alleged practice of payment of "Marippu Kooli" has no statutory recognition in the State of Tamil Nadu. An executive direction compelling payment of wages without any statutory sanction cannot be sustained in law. Such a direction also amounts to an unreasonable interference with the petitioner's fundamental right to carry on his trade and business guaranteed under Article 19(1)(g) of the Constitution of India.

9.In view of the above, this Court is of the considered opinion that the impugned order dated 27.06.2022 passed by the second respondent is wholly without jurisdiction and is liable to be interfered with.

10.Accordingly, the Writ Petition is allowed and the impugned order dated 27.06.2022 passed by the second respondent is hereby set aside. Consequently, the respondents 1 and 3 are directed to extend adequate police protection to the petitioner whenever there is any unlawful obstruction, threat or coercion by the members of the fourth respondent Association or



**W.P(MD)No.10920 of 2023**

WEB COPY

any other person, so as to enable the petitioner to carry on his lawful business by engaging workers of his own choice, subject to compliance with the applicable labour laws. No costs. Consequently, connected Miscellaneous Petition is closed.

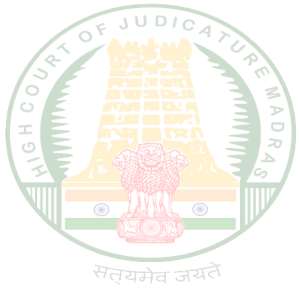
**09.07.2026**

NCC : Yes / No  
Index : Yes / No  
ps

To

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Case Citation: (2026) ibclaw.in 3833 HC



**W.P(MD)No.10920 of 2023**

**M.DHANDAPANI, J.**

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**W.P(MD)No.10920 of 2023**

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