
(2001) 09 DEL CK 0022
In the Delhi High Court
Case No : Suit No. 587 of 1992

ITC Limited

APPELLANT

Vs

Maurya Sheraton Hotel Kamgar Congress and Others

RESPONDENT

Date of Decision : 07-09-2001

Acts Referred:

Constitution of India, 1950 — Article 19

Citation : (2002) 95 DLT 133 : (2002) 93 FLR 277

Hon'ble Judges : Jiwan Dass Kapoor, J

Bench : Single Bench

Advocate : Ajay Yadav, for the Appellant;

Judgement

J.D. Kapoor, J.—The defendants were once the employees of the plaintiff. The plaintiff is a known Five Star Hotel. After the termination of their services for insubordination they started indulging in dirty and filthy gesticulations and slogan shouting, display of placards, demonstrations, picketing, abusing and harassing the guests and other visitors, business associates and the non-demonstrating staff entering the Hotel premises. The demonstrations and the shouting and abusing become more aggressive when a foreign tourist enters into or goes out of the Hotel.

2. Through this suit permanent injunction has been sought as these demonstrations are continuously held and the defendants 2 to 7 have threatened the direct action. The plaintiff also apprehends that there is a serious and immense danger of the defendants indulging in various acts of violence, threats, demonstration and tortuous action.

3. In view of the fact that the plaintiff is dealing with hyper-sensitive guests of different nationalities and is prone to different jurisdictions of the courts world wide in case these guests choose to initiate legal action against the plaintiff which can result in damages in millions of dollars claimed by the guests of the hotel who are harmed due to ugly and unlawful demonstration activity conducted

by the defendants inside and outside the precincts of the premises of the plaintiff where the defendants cannot be allowed to indulge in such activities under the garb or colour of Constitutional freedom granted under Article 19 of the Constitution of India for forming associations, Unions and hold demonstrations.

4. Acts alleged against the defendants are most abominable and reprehensible. Object of right of freedom of speech and to form Associations/Unions is not to provide freedom without responsibility. Such freedom has to be fettered with reasonable restrictions.

5. Accordingly the suit is decreed by way of permanent injunction restraining the defendants from holding any demonstration or indulging or causing any difficulty to the employees of the plaintiff from discharging their duties and also ingress and egress of visitors, guests within a radius of 100 meters from the boundary wall of the premises of the plaintiff.

6. The suit is disposed off accordingly.