

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.04.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.3143 of 2014
and M.P.Nos.1 & 4 of 2014

M/S.FLEXTRONICS TECHNOLOGIES INDIA PVT. LTD. [PETITIONER]
REP. BY ITS COUNTRY HEAD (HR) ABRAHAM JOSEPH
P.NO.3 PHASE II SIPCOT INDL. PARK
SANDAVELLUR C VILL. SRIPERUMPUDUR KANCHI DT.
Vs

- 1 GOVERNMENT OF TAMILNADU
REP. BY ITS SECRETARY HOME DEPARTMENT
FORT ST. GEORGE SECRETARIAT CHENNAI-9
- 2 SUPERINTENDENT OF POLICE
KANCHEEPURAM DISTRICT
- 3 PATTALI THOZHIRSANGA PERAVAI
REP. BY ITS MANAGING COMMITTEE
SECRETARY S.GANESAN 12/2 ADAM SAHIB STREET
ROYAPURAM CHENNAI-13
- 4 JOINT COMMISSIONER OF LABOUR
DMS COMPOUND CHENNAI-6
- 5 ANNA THOZHILAALAR PERAVAI
275 AVVAI SHANMUGAM SALAI ROYAPETTAH
CHENNAI-14.
(R5-IMPL AS PER ORD.DT.18/6/14 IN MP2&3/14)

[RESPONDENTS]

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent Police to forthwith given protection to the property of the petitioner including land and building comprised in Hi Tech SEZ at SIPCOT Industrial Park of Sandavellur C Village Kancheepuram District and its Officers Managerial Personnel Raw Material Finished Products etc. award costs.

For Petitioner : Mr.Srinath Sridevan

For Respondents : Mr.R.Lakshminarayanan, AGP
(R1,2 &4)
Mr.K.Balu (R3)

NA or R5

ORDER

Heard Mr.Srinath Sridevan, learned counsel for the petitioner, Mr.R.Lakshminarayanan, learned Additional Government Pleader for the respondents 1, 2 and 4 and Mr.K.Balu, learned counsel for R3 and with their consent, the main writ petition itself is taken up for final disposal.

2. This writ petition has been filed by the petitioner seeking for a direction to the 2nd respondent Police to forthwith give protection to the petitioner's property including land and building comprised in Hi Tech SEZ at SIPCOT Industrial Park of Sandavellur C Village, Kancheepuram District.

3. In the affidavit filed in support of the writ petition, the petitioner has made certain averments against the respondents/Union and stated that absolutely without any reasonable cause, they gheraoed the factory premises from all sides and barged to the office of the HR team comprising of about 8 persons held them as hostages and refused to allow them to move out of the factory till 10.00 p.m and such other action which according to the petitioner are very very serious delinquencies and hence the petitioner is put to great hardship.

4. At the time when the writ petition was entertained, this Court, after hearing the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for R1, 2 and 4, passed an interim order directing the Superintendent of Police, Kancheepuram District to provide police protection to the lives and property of the petitioner's factory, Management Officials, Staffs and other workers, in the event of any law and order situation warrants, for a period of one week from the date of the order. The said interim order was periodically extended. However, till date, the respondents/Union have not filed any counter affidavit.

5. So far as the relief of police protection is concerned, the same has been in operation till February 2014 and the counter affidavit filed by the Inspector of Police also states that they are providing police protection. Hence, such arrangement shall continue. However, this order shall not prejudice the rights of respondents 3 and 5, who are the employees union and if they have got any grievance against the Management, they can very well resort to the remedies

available to them under the various labour welfare legislations including the Industrial Disputes Act.

6. With the above observations, the writ petition is disposed of by directing the 2nd respondent to afford police protection to the lives and property of the petitioner's factory, Management Officials, Staffs and other workers, in the event of any law and order situation warrants, on the request made by the petitioner. No costs. Connected miscellaneous petitions are closed.

rg

-s/d-

Assistant Registrar()

True Copy

Sub-Assistant Registrar

To

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CHENNAI-14.

+ 1 cc to Mr.K.Balu, Advocate SR 20854

+ 1 cc to Mr.Srinath Sridevan, Advocate SR 20937

+ 1 cc to Government Pleader SR 21098

vsn(co)
prk28/4

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