

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.13301 of 2016

Savithri R. Naidu

... Petitioner

Vs

1.Superintendent of Police,
Tiruppur District.

2.Deputy Superintendent of Police,
Avinashi, Tiruppur District.

3.Inspector of Police,
Sevur/Cheyur Police Station, Avinashi Taluk,
Tiruppur District.

4.Covai Erode Mavatta Desiya Thozhilalar Sangam,
(Regn: 1184/2004)
Rep by its General Secretary.

... Respondents

(4th respondent Impleaded as per the
order of this Court dated 01.02.2017 in
Crl. M.P.No.12385 of 2016)

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C. to
direct the respondents herein to give police protection to safeguard the
life and liberty of the petitioner and her property namely Factory,
Land, Building and Machinery situated at Athikattupalayam-
Sellappampalayam, Avinashi Taluk, Tiruppur District, S.F.Nos370/2B,

375/2, 375/4, 375/5, 375/1, 375/3, 375/5, 375/6, 375/7, 375/8 in Punjai Puliampatti Sub Registrar's Office, Alathur Village, Avinashi Taluk, Dry land property situated in SF Nos.269/1,2C,2D,2E,2F,2A totalling 6.2 acres, SF No.270/1A, 2A,3A,3B, 3C,3D, Pongalur Village, Annur SRO, Coimbatore District, pursuant to the representation dated 07.06.2016.

For Petitioner : Mr. Anand Venkatesh
For Respondents 1 to 3 : Mr.P.Govindarajan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondent to give police protection to safeguard the life and liberty of the petitioner and her property, pursuant to the representation dated 07.06.2016.

2. Since there is some objection from the workers of the petitioner's vendor, the petitioner has sought for police protection for the purpose of safeguarding the subject property. Pending the Criminal Original Petition, the petitioner as well as the workers of the petitioner's vendor had entered into a settlement under Section 18(1)

of the Industrial Disputes Act, 1947 on 15.01.2017. Pursuant to the settlement, the petitioner as well as the second respondent, which is the Trade Union have filed a Joint Memo dated 22.02.2017 wherein, the second respondent has agreed to refrain from disturbing the petitioner from enjoying the subject property. The said Joint Memo reads as follows:

"1.It is submitted that the above CrI OP was filed to direct Respondent 1 to provide protection to the petitioner for peaceful enjoyment and possession of her lawfully acquired properties specifically from respondent 2. The petitioner had purchased the properties from secured creditor ICICI Bank which had taken possession of them after declaring the previous owner's (Lakshmi Ganesha Textiles Pvt. Ltd) account as NPA due to non-payment of dues. The petitioner lawfully purchased the properties after obtaining order from DRT-1, Chennai in OA 120/2013 and Hon'ble High Court's order in WP 37940/2016. But in spite of it the petitioner faced problems from respondent 2 due to their dispute with the previous owners of the properties.

2.It is submitted meanwhile, on the intervention of the well-wishers the disputes pending between M/s. Lakshmi Ganesha Textiles Private Limited (Previous owners of the properties now acquired by the petitioner) and kovai Erode Mavatta Desiya Thozhilalar Sangam (NLO Union) (Respondent 2) were resolved and a Memorandum of Compromise was entered between them on 15.01.2017. In terms of the said memorandum. The company (previous

owner) has agreed to pay an amount of Rs.65,00,000/- (Rupees Sixty Five Lakhs) to the all its remaining workers represented by respondent 2 herein as full and final settlement.

3. It is submitted that in terms of the Memorandum, the respondent 2 also agreed to withdraw all the cases including the civil suit filed by respondent 2 against the previous owner in OS 620/2012 and OS 3036/2012 and ID 42/2013 and ID 157/2013. It is also submitted that respondent 2 has agreed not to disturb the peaceful possession and enjoyment of the petitioner's properties purchased through orders in OA 120/2013 DRT - 1 Chennai and WP 37940/2015 Hon'ble High Court. It was further agreed that the respondent 2, having received the full settled has no objection to the claims of Mrs. Savithri R.Naidu, the petitioner in this CMA. The Memorandum of Compromise is filed herewith for kind perusal of this Hon'ble Court."

In view of the aforesaid agreement, the petitioner's apprehension of disturbance from the workers is resolved. Recording the aforesaid Joint Memo, the Criminal Original Petition stands closed.

07.09.2017

Index:Yes
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To

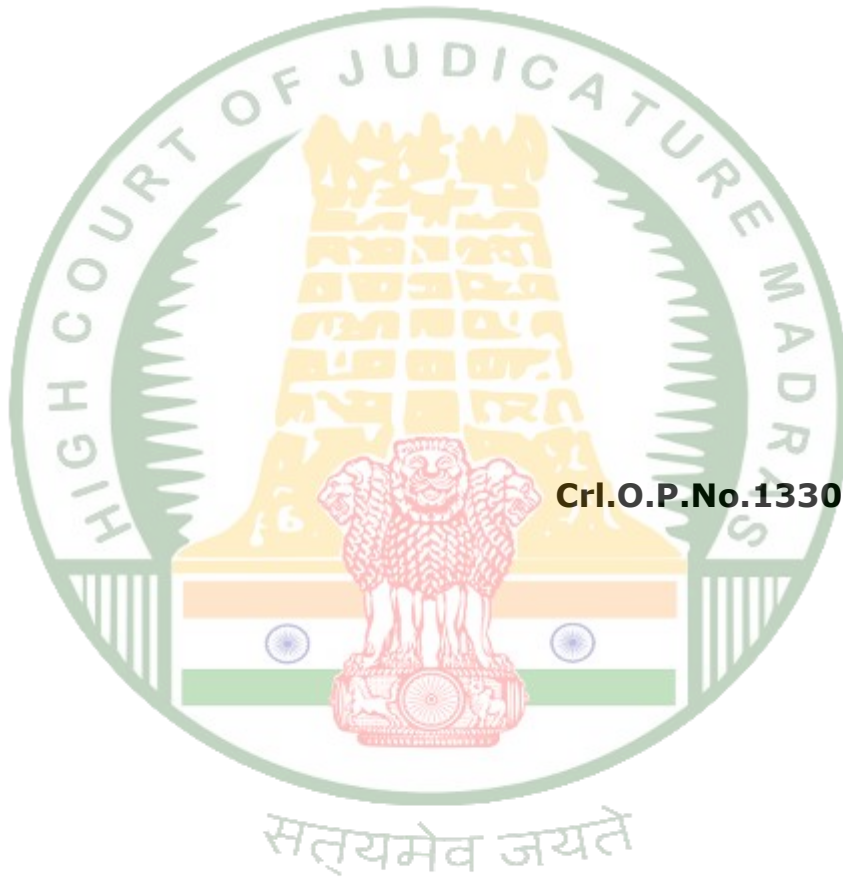
1. Superintendent of Police,
Tiruppur District.
2. Deputy Superintendent of Police,
Avinashi, Tiruppur District.
3. Inspector of Police,
Sevur/Cheyur Police Station, Avinashi Taluk,
Tiruppur District.
4. The Public Prosecutor,
High Court, Madras.



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