

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.1408 of 2017

and W.M.P.No.1326 of 2017

ALCHYMARS ICM SM Private Limited.T.Nagar,
Chennai 17
rep. by its Managing Director ... Petitioner

Vs.

- 1 The Inspector of Police
E6, Thiruporur Police Station,
Thiruporur,
Kancheepuram District - 603 110.
- 2 ALCHYMARS Thozhilaalar Viduthalai Munnani,
No.935, 9th Street, Bethel Nagar North,
Injambakkam, Chennai -600 115
rep. by its Secretary. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to provide police protection to the petitioner company, to enable the willing employees, workmen, contract workmen, staff, officers and other managerial personnel and customers to enter and exit the factory premises, send the materials and receive the materials and ensure that the second respondent and its members are 300 meters away from the main gate and factory premises and maintain law and order, peace in and around the factory premises situated at ALCHYMARS ICM SM Pvt. Ltd, A14 & 20 SIDCO Pharmaceutical Complex, Alathur - 603 110.

For Petitioner : Mr.Karthick, SC for
Mr.D.Abdullah
For R1 : Mr.C.Emalias, APP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to provide police protection to its company, so as to enable the willing employees, workmen, contract workmen, staff, officers and other managerial personnel and customers to enter and exit the factory premises and send and receive the materials and ensure that the second respondent and its members are 300 meters away from the main gate and factory premises and maintain law and order and peace in and around the factory premises situated at Nos.A14 & 20 SIDCO Pharmaceutical Complex, Alathur - 603 110.

2. The case of the petitioner is that the petitioner is a manufacturer of pharmaceutical bulk drugs, which are life saving drugs. It has two manufacturing units viz. Unit -I at Alathur, Thiruporur Taluk, Kancheepuram District and Unit-II at Ranipet. The second respondent is a Trade Union, comprising of sixteen persons, who are working as Chemists and Senior Chemists, at Alathur Unit. While so, the second respondent raised an Industrial Dispute on 27.07.2016 seeking certain demands and the said ID stood adjourned for hearing on 23.01.2017. Pending adjudication, the second respondent issued a letter dated 26.09.2016, proposing to resort to an indefinite stay in strike from 05.10.2016. Accordingly, they resorted to strike on 05.10.2016 and caused obstruction to work. They also raised another Industrial Dispute by letter dated 24.10.2016 demanding revision of salary and other benefits to their members. Pending the same, the members of the second respondent have been resorting to various types of indiscipline and misbehaviour in the factory, which compelled the petitioner to issue show cause notices to the erring employees. Hence, the second respondent has issued a strike notice dated 10.01.2017 proposing to resort to indefinite stay in strike from 19.01.2017, on which date, according to the petitioner, a team of foreign customers are going to visit the factory. Further, the petitioner is reliably given to understand that the second respondent and its members are going to involve in violent activities. Apprehending serious law and order situation in and around the factory premises, the petitioner made a complaint to the first respondent on 16.01.2017. Finding no response, it has filed the present writ petition for the above stated relief.

3. Learned counsel appearing for the petitioner submitted that the second respondent and its members do not have any right to indulge in any unlawful activities and the very act of stay in strike itself is nothing but an offence. If they are permitted to do so, it will affect to ingress and egress of men and materials and prevent the willing workmen, staff members and customers to enter and leave the premises, which in turn,

cause serious law and order problem in and around the factory premises and damage to the life, person and property of the petitioner.

4. I have also heard the learned Additional Public Prosecutor, who took notice for the first respondent.

5. Considering the above facts and circumstances of the case and considering the submission made by the learned counsel appearing for the petitioner, this Court directs the first respondent / the Inspector of Police, E6, Thiruporur Police Station, Thiruporur, Kancheepuram District, to give adequate protection to the petitioner firm to do the manufacturing activities with the willing workers and staff members and to ensure free ingress and egress of the men and materials at the factory premises. The first respondent is also directed to confirm that the agitating workers are staying 200 metres away from the factory premises. If any untoward incident is happening, the first respondent shall take appropriate action.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police
E6, Thiruporur Police Station,
Thiruporur,
Kancheepuram District - 603 110.

2. The Public Prosecutor, High court, Madras - 104.

+1cc to Mr.D. Abdullah, Advocate, S.R.No.744

MD(CO)
md(20/01/2017)

W.P.No.1408 of 2017