

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2018

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.13344 of 2018 & WMP.No.15714/2018

Ulundurpet Expressways Pvt.Ltd.,
Formerly known as GMR Ulundurpet Expressways Pvt.Ltd.
Vikravandi Toll Plaza, NH 45, Km 150+400,
Taluk & Post: Vikravandi
District: Villupuram,
Tamilnadu - 605 652. ... Petitioner

Vs

- 1.The Superintendent of Police,
Vilupuram District,
Vilupuram.
- 2.The Inspector of Police,
Vikiravandi Police Station,
Vilupuram.
- 3.Tamil Nadu General Workers Union,
2/1, Kovur Vaithinadan Street,
Chintadripet, Chennai 600002.
- 4.The Marko Line Infra Pvt Ltd,
502, 'A' Wing,
Shri Nandham, Sector - 2,
CBD Balapur,
Navi Mumbai - 400 614.
Maharashtra.
- 5.Stalward Security Security Services India Ltd,
Old No. 14, New No.27/3, 2nd Floor,
North Usman Road,
T.Nagar, Chennai - 17.
- 6.M/s. Vee Arr Engineers,
No.28, Chennai Main Road,
Ulundurpet,
Villupuram - 606 107. .. Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India to issue a writ or Direction in the nature of writ of Mandamus, directing the 1st & 2nd Respondents to provide adequate police protection for the safety, security and protection to the lives and property of the Petitioner, 4th to 6th Respondents, general public, management officials, staffs and other workers from the illegal acts of the delinquent members of the 3rd Respondent, their henchman, supporters.

For Petitioner : Mr.Inthu karunakaran

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 and R2
Mr.Balan Haridas
for R3

ORDER

This writ petition is filed seeking for police protection to the petitioner Company and its properties. This Writ Petition was filed on the premise that the respondents 4 to 6 are resorting to an illegal strike and thereby, will prevent the free ingress and egress of the vehicles in the Toll Plaza and further prevent the other employees and other workers from continuing day-to-day Toll operation at Vikravandi Toll Plaza.

2.This Court passed an interim order on 05.06.2018, which is extracted hereunder:

"There shall be an order of interim injunction for a period of four weeks restraining the third respondent, its office bearers, agents, members, successors in interest and other persons acting through them from resorting to illegal strike or any illegal acts including shouting slogans, conducting meeting, indulging in any unlawful act, hoisting flags within 300 mts radius on either side of the toll plaza of the petitioner and from preventing free ingress and egress of the vehicles in toll plaza, preventing the other employees, loyal workers, contract workers, men to continue the toll operations of the Vikravandi Toll Plaza."

3.A counter affidavit has been filed today before this Court by the third respondent Union represented by its General Secretary. The relevant portion of the counter affidavit is extracted hereunder:

"In such circumstances the 3rd Respondent Union raised dispute. In the course of conciliation a settlement was entered under Section 12(3) of the Industrial Disputes Act, 1947 dated 13.06.2016 and there was revision of wages. The Settlement was valid upto 31.03.2018. In such circumstances the Union placed fresh charter of demands and as usual the Management did not come forward to negotiate and settle. Hence once again the Union approached the Conciliation Machinery and the Conciliation talks were initiated. However the Petitioner was deliberately avoiding the conciliation meetings from its inception and till date the petitioner has not come forward to negotiate the issue and demands. Only in such circumstances the 3rd Respondent Union has issued a strike notice dated 20.05.2018 to pressurize the petitioner to come forward and negotiate the issue. Based on the strike notice there was no strike or disruption of work in any manner. Based on the strike notice the conciliation officer has initiated conciliation on that as well. The 3rd Respondent Union has thus not acted upon the strike notice and has no intention to go on strike."

4. It is clear from the above that, even though a strike notice has been issued by the third respondent Union on 20.05.2018, in order to put pressure on the petitioner to come for a negotiation, since conciliation proceedings have been initiated and the same is pending before the Conciliation Officer, the third respondent Union has decided not to act upon the strike notice and it has been made clear in the counter affidavit that the third respondent Union does not have the intention to go on a strike.

5. In view of the specific stand that has been taken by the third respondent, the apprehension raised by the petitioner ceases to exist. Therefore, there will be no meaning in continuing the interim order that was passed on 05.06.2018.

6. In view of the above development, no further orders are required to be passed in this writ petition and writ petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Vilupuram District,
Vilupuram.

2.The Inspector of Police,
Vikiravandi Police Station,
Vilupuram.

3.The Public Prosecutor
High Court, Madras.

+1 cc to Mr.Inthu Karunakaran, Advocate SR.No.77415

W.P.No.13344 of 2018

KS (CO)
CSL/28.11.2018



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