

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.11703 of 2018

Goenka Infrastructures Pvt.Ltd.,
Rep. by its Authorised Signatory K.Sathyanathan,
222, Fountain Plaza, 1st Floor,
Pantheon Road, Egmore,
Chennai-600 008 ...Petitioner

Vs.

- 1.The Deputy Inspector General of Police,
Office of the Inspector General of Police,
Police Head Quarters,
Pudhucherry
- 2.The Inspector of Police,
Thavalakuppam Police Station,
Pudhucherry ...Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondents to provide protection for the safety of petitioner's staff and belongings at schedule property until the completion of works concerning environment, hygiene and reconstruction of the dilapidated facilities like cleaning of left over chemicals, safe removal of corroded machineries for repair, carry out overall maintenance work, install safety equipments, restore compound wall and gates, install CCTV camera and necessary lighting arrangements, lay tar or concrete roads inside the site, carry on free movement of heavy and light vehicles like JCB machines, lorries, trucks, cars and two wheelers.

For petitioner : M/s.G.Thanigaivel

For respondents : Mr.Bharath Chakravarthy,
Public Prosecutor (Pondy)

ORDER

This Criminal Original petition has been filed to direct the respondents to provide protection for the safety of petitioner's staff and belongings at schedule property until the completion of works concerning environment, hygiene and reconstruction of the dilapidated facilities.

2. It is the case of the petitioner that they have purchased M/s.Protchem Industries (India) Private Limited in SARFEASI proceedings some time in the year 2007 and when they are taking steps to run the industry, a group of workmen belonging to Protchem Industries are preventing the petitioner and their staff from entering the factory. In this regard, the petitioner has given a representation dated 21.02.2018 to the second respondent Police.

3. This Court is of an opinion, that the workers do have a right to participate in peaceful strike and Dharna, but they cannot prevent free ingress and regress of persons, vehicles and goods.

4. In such view of the matter, the respondent police is directed to enquire into the complaint of the petitioner and provide adequate protection to the factory of the petitioner, so that no violence takes place.

5. It is always open to the aggrieved Trade Union members to conduct Dharna 300 meters away from the entrance of the factory.

6. With the above observation, the petition is disposed of.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

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To

1.The Deputy Inspector General of Police,
Office of the Inspector General of Police,
Police Head Quarters, Pudhucherry

2.The Inspector of Police,
Thavalakuppam Police Station, Pudhucherry.

3. The Public Prosecutor, Pondicherry

+lcc to Mr.G.Thangavel, Advocate, S.R.No.29012

+lcc to Government Pleader S.R.No.29332

CrI.O.P. No.11703 of 2018

LRS (CO)

RRK(16/05/2018)