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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17400 of 2018
and W.M.P.No.20686 of 2018

Alchymars ICM SM Private Limited
Adwave Towers C/4, 3rd Floor,
No.17, (Old No.9) South Boag Road,
T.Nagar, Chennai 600 017.
Rep. by its Chief Executive Officer

... Petitioner

Vs.

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

2. Chennai Anna Mavatta Jananayaga Tozhilalar Sangam,
Regn.1062/CPT (AICCTU Affiliated)
4/172, National Highway, Ottery, Vandalur,
Chennai 600 048.
Rep by its Secretary

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to provide police protection to the petitioner company, to maintain the law and order to enable the willing employees, workmen, contract workmen, staff, officers and other managerial personnel and customers to enter and exit the factory premises, the send the materials and receive the materials and ensure that the 2nd respondent and its members, are 300 metres away from the main gate and factory premises and maintain law and order, peace in and around the factory premises situate at Alchymars ICM SM Private Limited A.14 & 20 SIDCO Pharmaceutical Complex, Alathur - 603 110.

For Petitioner : Mr.D.Abdullah

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the 1st respondent to provide police protection to the petitioner company, to maintain the law and order 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



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and receive the materials and ensure that the 2nd respondent and its members, are 300 metres away from the main gate and factory premises and maintain law and order, peace in and around the factory premises situate at Alchymars ICM SM Private Limited A.14 & 20 SIDCO Pharmaceutical Complex, Alathur - 603 110.

2. Heard the learned counsel for appearing the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent.

3. It is seen that the petitioner is the Alchymars ICM SM Private Limited, manufacturing pharmaceutical bulk drugs, which are life saving drugs. The 2nd respondent Chennai Anna Mavatta Jananayaga Tozhilalar Sangam demanded several request to their members. They also issued strike notice dated 02.07.2018 intimating that they would strike work from 18.07.2018. In the mean time, there was a conciliation process between the management and the 2nd respondent. While pending the conciliation proceedings, the 2nd respondent was trying to indulge in coercive activities, thereby disturbing the smooth functioning of the petitioner-factory.

4. Considering the above facts and circumstances, this Court by an order dated 11.07.2018, restrained the 2nd respondent and its members from conducting strike within 100 metres from the factory premises and the 1st respondent police are directed to provide protection to the petitioner factory to enable the willing workmen, contract workmen, staff, officers and other managerial personnel and customers to enter and exit the factory premises, send and receive the materials and ensure that the striking workmen are 100 metres away from the main gate and factory premises and maintain law and order and peace in and around the petitioner's factory situated at Alathur. The interim order is still in force. Now the learned counsel appearing for the both parties submitted that the conciliation proceedings are over between the petitioner's factory and the 2nd respondent and now the petitioner-factory is running smoothly without any disturbance whatsoever by the 2nd respondent.

5. Recording the same, the writ petition is closed. If the 2nd respondent indulges in any coercive activities disturbing the smooth functioning of the petitioner-factory, it is needless to say that the petitioner is at liberty to seek necessary protection from the concerned jurisdiction police officers and on receipt of such request, the concerned jurisdiction police shall consider the same and pass orders in merits and accordance with law. Consequently, connected miscellaneous petition is closed. No costs.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR



To

The Inspector of Police,
Thiruporur Police Station,
Thiruporur, Kanchipuram District - 603 110.

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SSP[CO]
CM 11/06/2019