

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Twenty Fourth day of October Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

WP NO.27957 OF 2018

AND WMP.NO.32523 OF 2018

VAIGHAI CHEMICAL INDUSTRIES [PETITIONER IN BOTH THE PETITIONS]
LTD, UNIT. VAIGHAI INDUSTRIES,
32/ 1, MELAKASAKUDY VILLAGE,
NEDUNGADU, KARAİKAL,
REP.BY ITS DIRECTOR.

Vs

1 THE STATION HOUSE OFFICER [RESPONDENTS IN BOTH THE PETITIONS]
NEDUNGADU POLICE STATION,
NEDUNGADU, KARAİKAL.

2 PATTALI THOZHIR SANGAM,
REP. BY ITS SECRETARY, KARAİKAL.

3 MR.K.DEVAMANI,
164, AMBAGARATHUR MAIN ROAD, THIRUNALLAR
VILLAGE AND COMMUNE PANCHAYAT,
KARAİKAL DISTRICT.

4 MR.B.PANDHALARAJAN
194, MAIN ROAD, VARICHIKUDU,
KARAİKAL.

Writ Petitions under Article 226 of the Constitution of India
praying that in these circumstances stated therein and in the
respective affidavits filed therewith the High Court will be
pleased to issue a writ of mandamus or a writ in the nature of
mandamus, or any other appropriate writ, order or direction in the
nature of writ

directing the 1st respondent to provide police protection
to the Factory Premises of the petitioner viz., Vaighai Industries,
a division of Vaighai Chemical Industries Limited at Melasakudy
Village, Nedungadu, Karaikal - 609603 and to prevent any untoward
incident occurring by the illegal acts and agitation of Respondent
2 to 4 (in WP.No.27957/18) and;

(ii) To issue an interim direction to the 1st respondent to provide adequate police protection to the petitioner to carry on its business activities in a peaceful manner by restraining the respondents 2 to 4, their members, agents, representative or any other person acting at their behest including suspended workmen or the erstwhile workmen, from in any way preventing the permanent workmen, loyal staff and officers, managers, directors, contract workmen, advisors, visitors, of the Petitioner and / or by in any Way interfering with the day/to/day production and maintenance activities of the Petitioner factory and also preventing the movement of finished products, raw materials, scrap, semi-finished products from in and out of the factory premises of the Petitioner by staging any form of protests by hoisting flags, by ghearoing, conducting any illegal strikes including sit in strike inside the factory premises and assembling illegally in any form, with 300 meters in and around the Petitioner's factory premises, viz., Vaighai Industries, a division of Vaighai Chemical industries Limited at Melasakudy Village, Nedungadu, Karaikal 609 603 (in WMP.No.32523/18) pending in WP.No.27957/18 respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.A.KARTHIK Senior Counsel for M/S.A.R.RAMANTHAN Advocate for the petitioner in both the petitions and of M/S.M.PARABHAVATHI Additional Public Prosecutor on behalf of the respondents in both the petitions the court made the following order:-

Heard Mr.A.Karthik, learned Senior counsel, representing Mr.A.R.Ramanathan, learned counsel on record for the petitioner and the learned Additional Public Prosecutor, appearing for the 1st respondent police.

2. It is the case of the petitioner that the 3rd respondent is not an employee of the petitioner and he has been instigating the workmen, who have been suspended by the petitioner from service, to go on illegal strike, and also under his leadership, the 4th respondent and five other employees of the petitioner are agitating against the management of the petitioner and preventing other employees from performing their duties, pursuant to which a complaint was lodged by the petitioner and the 1st respondent police have registered a case in Crime No.70 of 2018 and thereafter, the petitioner has filed this writ petition seeking police protection.

3. Considering the facts and circumstances of the case, there shall be an order of interim injunction restraining the respondents 2 to 4 and their members from conducting strike within 100 metres from the premises of the petitioner and the 1st respondent police are directed to provide protection to the petitioner's premises to enable the willing workmen, contract workmen, staff, officers and other managerial personnel and customers to enter and exit the petitioner's premises and facilitate ingress and egress of

materials and to ensure that the striking workmen, including the suspended workmen, are 100 metres away from the main gate of the petitioner's premises and maintain law and order and peace in and around the petitioner's premises, situated at Melakasakudy Village, Nedungadu, Karaikal.

4. Notice to the respondents 2 to 4 returnable by 08.11.2018. Private notice to the respondents 2 to 4 is also permitted.

5. Post the matter on 08.11.2018.

-sd/-

24/10/2018

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE STATION HOUSE OFFICER,
NEDUNGADU POLICE STATION, NEDUNGADU, KARAİKAL.

2 PATTALI THOZHIR SANGAM,
REP. BY ITS SECRETARY, KARAİKAL.

C.C. to M/S.A.R.RAMANTHAN Advocate SR.No.12898

The Government Advocate, High Court, Madras - 104.

Order

in
WP.27957/2018

and WMP.No.32523/2018

Date :24/10/2018

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SDR 25.10.2018 (IT)