

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.14057 of 2008
and M.P.No.1 of 2008

M/s.Sumukha Synthetics
3/28, Ganapathypalayam
Udumalpet, Coimbatore District
Represented by its General Manager.

.. Petitioner

Vs.

1.The Superintendent of Police
Coimbatore, Coimbatore District.

2.The Deputy Superintendent of Police
Coimbatore, Coimbatore District.

3.The Inspector of Police
Udumalpet, Coimbatore District - 642 126.

4.Coimbatore-Periyar District Dravida Panchalai
Thozhilalar Munnetra Sangam
(Affiliated to MLF) having registered office
at 69, 3rd street, Tatabad
Coimbatore-641 012.

5.T.Chandrasekar

6.R.Ranganathan

7.V.Marudhavanan

8.L.Kasthuri

9.M.Gopalsamy

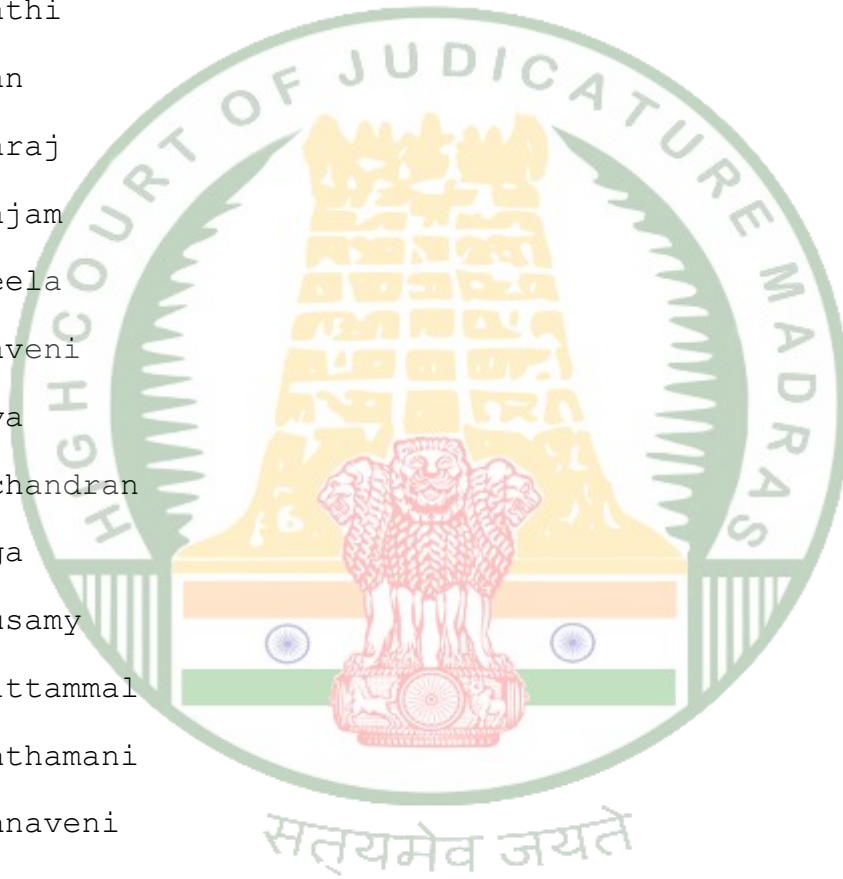
10.V.Mounagurusamy

11.S.Dhanalakshmi

12.R.Krishnasamy

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13.M.Amsaveni
14.P.Santhamani
15.V.Santhamani
16.L.Narayanasamy
17.N.Nagaraj
18.R.Jayalakshmi
19.D.Parvathi
20.P.Manian
21.M.Selvaraj
22.K.Pankajam
23.R.Susheela
24.K.Neelaveni
25.M.Vijaya
26.G.Ravichandran
27.J.Renuga
28.M.Muthusamy
29.G.Venkittammal
30.R.Vasanthamani
31.R.Krishnaveni
32.N.Sumathi
33.R.Jayachitra
34.S.Jayabal
35.L.Balachandar
36.N.Gurusamy
37.K.Venkataramanujam
38.A.Manokaran



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39.K.Radhakrishnan

40.G.Eswarasamy

41.S.Dhanraj

42.N.Selvaraj

43.V.Chandragandhi

44.C.Velusamy

45.R.Selvaraj

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus directing the respondents 1 to 3 herein to give full police protection to the petitioner mill against the illegal activities of the respondents 4 to 45 so as to enable the petitioner mill to enjoy the permanent injunction granted by the Sub Court, Udumalpet in O.S.No.76/2004 and to pass other order or direction.

For Petitioner : Mr.G.K.Muthukumaar

For R1 to R3 : Mr.R.S.Selvam
Government Advocate

For R5 to 45 : Mr.V.Govardhanan for
(R5 to R45 are M/s.Row and Reddy
represented by R4)

O R D E R

Writ Petition is filed for issuance of a writ of Mandamus directing the respondents 1 to 3 herein to give full police protection to the petitioner mill against the illegal activities of the respondents 4 to 45 so as to enable the petitioner mill to enjoy the permanent injunction granted by the Sub Court, Udumalpet in O.S.No.76/2004 and to pass other order or direction.

2.According to the petitioner, they took over the ownership and management of K.Parthasarathy Spinning Mill for the purpose of spinning twist yarn and 124 employees were working in the said mill and they were absorbed by the petitioner. The respondents 5 to 45 are members of the 4th respondent Union and other 81 employees belong to LPF and INTUC Unions. The LPF and

INTUC Unions signed the settlement with the management and these members were given wages as per the settlement. The 4th respondent refused to sign the settlement and the members of the 4th respondent Union and the respondents 5 to 45 are indulging in unlawful activities and preventing the petitioner from doing their business. The respondents 1 to 3 did not take any action on the complaint given by the petitioner against the respondents 4 to 45. The petitioner in such circumstances filed O.S.No.76/2004 on the file of the Sub-Court, Udumalpet, for permanent injunction restraining the 4th respondent Union. An interim injunction was granted in I.A.No.218 of 2004. The petitioner also filed I.A.No.219 of 2004 for police protection to execute the order passed in I.A.No.218 of 2004 and the learned Subordinate Judge ordered police protection. At the time of trial, the counsel for the respondents 4 to 45 reported no instructions and the suit filed by the petitioner was decreed as prayed for and permanent injunction was granted. In spite of the same, the members of the 4th respondent Union and respondents 5 to 45 are indulging in illegal activities and on the complaint given by the petitioner, the respondents 1 to 3 are not taking any action. In these circumstances, the petitioner has come out with present writ petition.

3.The learned Government Advocate appearing for the respondents 1 to 3 contended that police protection was granted in view of the interim order granted by this Court.

4.The learned counsel appearing for the respondents 4 to 45 contended that the members of the 4th respondent Union and respondents 5 to 45 are not indulging in any illegal activities and they are co-operating with the petitioner management and they will not do any illegal activities.

5.Heard the learned counsel appearing for the petitioner as well as learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel appearing for the respondents 4 to 45 and perused the materials available on record.

6.The writ petition is of the year 2008, which was filed alleging that respondents 4 to 45 are indulging in activities in violation of the permanent injunction granted by the competent Civil Court and the respondents 1 to 3 are not taking any action on the complaint given by the petitioner. In view of the submissions made by the learned Government Advocate for the respondents 1 to 3 that police protection is granted to the petitioner and the learned counsel for the respondents 4 to 45 that respondents 4 to 45 are not indulging in any illegal activities and are co-operating with petitioner, the writ petition is disposed of with a liberty to the petitioner to approach the competent Court for their relief as and when the

respondents 4 to 45 indulge in illegal activities and respondents 1 to 3 failed to give protection. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police
Coimbatore,
Coimbatore District.

2.The Deputy Superintendent of Police
Coimbatore, Coimbatore District.

3.The Inspector of Police
Udumalpet,
Coimbatore District - 642 126.

+1cc to M/s.Row and Reddy,, Advocate, S.R.No.51859

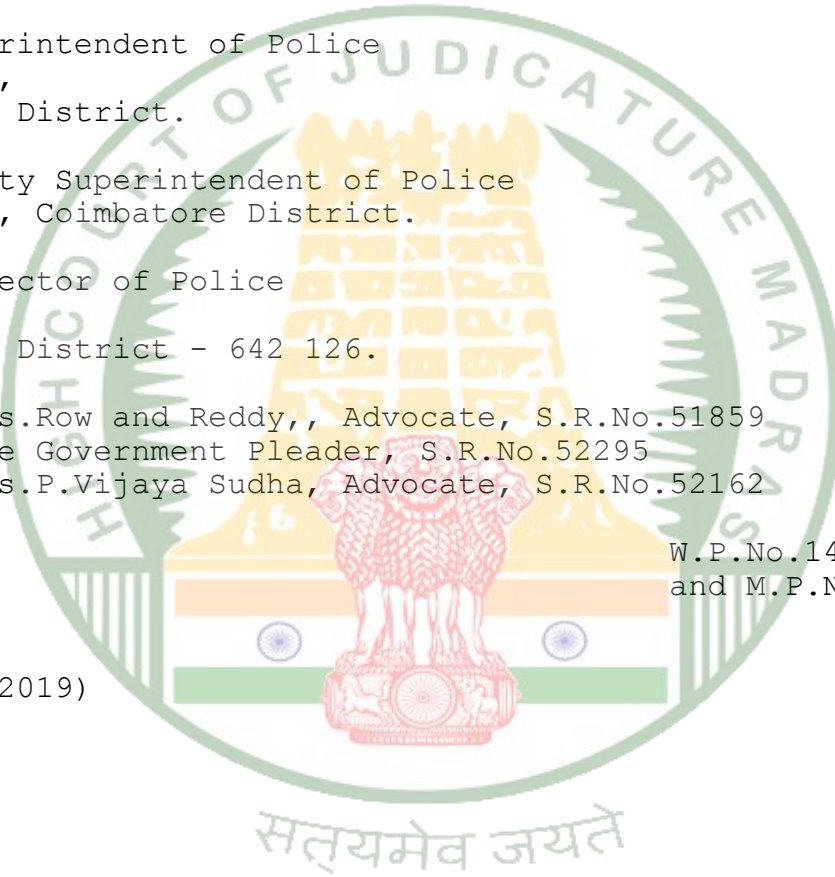
+1cc to the Government Pleader, S.R.No.52295

+1cc to M/s.P.Vijaya Sudha, Advocate, S.R.No.52162

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BP (CO)

RRS (06/08/2019)



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