

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.13213 of 2019 &
WMP No.13330 of 2019

M/s.Sura Leathers Pvt. Ltd.,
Rep. By its Authorized Signatory - D.Arunachalam,
S.F.No.108/1, Gudiyattam Road,
Periyavarikkam Village,
Thuthipet-635 811
Vellore District.Petitioner

Vs.

1.The Superintendent of Police,
Sathuvachari,
Vellore-632 009.

2.The Deputy Superintendent of Police,
Ambur-635 802
Vellore District.

3.The Inspector of Police,
Oomerabad Police Station,
Oomerabad.
Vellore District.

4.North Arcot District Tannery &
Shoe Workers Union,
Rep. By its General Secretary,
No.101, M.C.Road,
Ambur-635 802,
Vellore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 to 3 provide adequate police protection to the petitioner to enable the willing employees, 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 4th respondent and its members are 600 meters away from the main gate and factory premises and maintain law and order, peace in and around the petitioner's factory premises situated at S.F.No.108/1, Gudiyattam Road, Periyavarikkam Village, Thuthipet-635 811, Vellore District.

For Petitioner : Mr.S.Ravindran Sr.Counsel for
M/s.S.Bazeer Ahamed.

For Respondents : Mr.M.Mohamed Riyaz for R1 to R3
Mr.Raw & Reddy for R4

ORDER

This writ petition has been filed seeking for police protection to the petitioner Factory to ensure free ingress and egress of men and material.

2.This Court passed an interim order dated 29.04.2019 directing the third respondent to provide police protection.

3.Mr.S.Ravindran, the learned Senior Counsel appearing for the petitioner submitted that in a subsequent development, the petitioner Company has now been taken over by the Interim Resolution Professional, pursuant to the orders passed by the National Company Law Tribunal, Bengaluru Bench and that the Company is now under the control of the Interim Resolution Professional.

4.The learned Senior Counsel further submitted that the process of settlement is also simultaneously going on and many of the workmen have accepted for the settlement by receiving the compensation amount. The learned Senior Counsel therefore concluded his argument submitting that it is left open to the fourth respondent Union to take a decision with regard to settling the dispute by receiving compensation from the Interim Resolution Professional.

5.The learned counsel appearing on behalf of the fourth respondent submitted that the petitioner took advantage of the police protection and it removed all the machineries from the factory. The learned counsel further submitted that the so-called settlement has taken place due to the pressure exerted on the workmen and it was not a mutual settlement. The learned counsel further submitted that since, now the Interim Resolution Professional has taken charge of the petitioner Company, it must be left open to the workmen belonging to the fourth respondent Union, to workout their remedy in accordance with law.

6.This Court has considered the submissions made on either side and materials available on record.

7.Subsequent to the interim orders passed by this Court, there has been a development whereby the National Company Law Tribunal, Bengaluru Bench, has taken cognizance of the proceedings under the Insolvency and the Bankruptcy code and has

also appointed the Interim Resolution Professional, who has taken charge of the petitioner Company. The Interim Resolution Professional has also started the process of assessing various claims to be satisfied by the petitioner Company and it is in the process of settling various claims. Under such circumstances, no useful purpose will be served in keeping the writ petition pending.

8.This writ petition is disposed of by giving liberty to the fourth respondent Union to make their claims before the Interim Resolution Professional or by moving an appropriate application before the National Law Company Tribunal, Bengaluru Bench, to workout their remedy in accordance with law.

Sd/-
Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

kal

To

- 1.The Superintendent of Police,
Sathuvachari,
Vellore-632 009.
- 2.The Deputy Superintendent of Police,
Ambur-635 802
Vellore District.
- 3.The Inspector of Police,
Oomerabad Police Station,
Oomerabad.
Vellore District.
- 4.The Public Prosecutor
High Court of Madras,
Chennai.

+1cc to Mr.M/s.S.Bazeer Ahamed, Advocate, S.R.No.52403
+1cc to M/s.Row and Reddy, Advocate, S.R.No.52766

W.P.No.13213 of 2019 &
WMP No.13330 of 2019

CNR (CO)

RRS (13/08/2019)