

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.23183 of 2018
and W.M.P. Nos. 27086 & 28829 of 2018

Mettur Chemicals and Plastics
Workers' Union (Regd. No.3161 MTDM)
Rep. by its General Secretary,
Thangamapuripattinam Roundana,
Mettur Dam,
Salem District.
Pin Code: 636 402.

... Petition

vs.

1. The Superintendent of Police,
Salem,
Salem District.

2. The Inspector of Police,
Karumalaikadel,
Mettur Taluk,
Salem District.

3. M/s.Chemplast Sanmar Limited,
Rep. by its General Manager (Legal)
Plant II, Raman Nagar Post,
Mettur Dam-3,
Salem District.

... Respondents

[R3 impleaded vide this Court Order
dated 19.06.2019 made in W.M.P.No.28829 of 2018
in W.P.No.23183 of 2018]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari Mandamus, calling for records of the 2nd respondent relating to his proceedings bearing Na.Ka.41/D3PS/SLM/2018, dated 03.08.2018 and quash the said proceeding dated 03.08.2018 and consequently direct the respondents to grant permission to the petitioner to hold demonstration/dharna peacefully in front of the factory of the Chemplast Sanmar Ltd., Plant II at Mettur, Salem District for redressal of the grievances of the workers.

For Petitioner : Mr.S.Ayyathurai

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1&R2

Mr.S.Saiprasad for
M/s.Sai Raaj Associates for R3

ORDER

This petition has been filed challenging the order passed by the 2nd respondent dated 03.08.2018 rejecting permission to the petitioner to conduct a peaceful demonstration in front of the factory premises belonging to the 3rd respondent Management (Impleaded respondent).

2. Mr.S.Ayyathurai the learned counsel for the petitioner submitted that this Court has already dealt with the issue of holding demonstration with regard to Plant III of the very same management and passed orders in W.P.Nos.1452 and 1455 of 2019 by giving certain directions. The present petition pertains to Plant II belonging to the same management and therefore similar orders can be passed in this writ petition also.

3. The learned counsel appearing on behalf of the management submitted that even if the petitioner Union wants to conduct a demonstration, the same shall be done without causing any hindrance to the traffic in the highways and without stopping the ingress and egress of men and material to and from the factory premises.

4. Heard the learned Additional Public Prosecutor appearing on behalf of the respondent police.

5. Even though various issues have been raised before this Court, this Court is of the considered view that earlier this Court had an occasion to pass orders with regard Plant III belonging to the same management and the same orders can be extended to this writ petition also.

6. The respondent police is directed to identify a place outside the factory premises in such a manner that there is no disruption to the ingress and egress of men and material to and from the factory and there is no disruption for the traffic movement in the highways. Union can continue with the agitation in the place identified by the police in a peaceful manner without preventing any one from reporting for work and without disturbing the movement of the vehicles. If any law and order problem is created, it is open to the respondent police to

immediately take action in accordance with law.

7. This Writ Petition is disposed of with the above direction. Consequently, connected miscellaneous petitions are closed. No Costs.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Superintendent of Police,
Salem,
Salem District.
2. The Inspector of Police,
Karumalaikadel,
Mettur Taluk,
Salem District.
3. The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to Mr.S.Ayyathurai, Advocate, S.R.No.50230

W.P No.23183 of 2018
and

W.M.P. Nos. 27086 & 28829 of 2018

RJI (CO)

RRS (01/07/2019)

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