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December 10,
2020

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

W.P.A. No. 10077 of 2020

**Delta Fabrics Private Limited
Versus
State of West Bengal and others**

Mr. Soumya Majumder,
Mr. Victor Chatterjee.
...for the petitioner.

Mr. Anshuman Chakraborty.
...for the respondent nos.6 to 37.

Despite service, none appears for the respondent-authorities, although the petitioner and the respondent nos.6 to 37 are represented.

The grievance of the petitioner is that, even after the closure of the concerned factory of the petitioner, the petitioner is being unable to disburse the goods in the factory, thereby incurring the risk of the legal action from its customers. It is submitted by learned counsel for the petitioner that, in any event, the employees of the petitioner-company do not have a lien over the goods produced by the factory. Despite such predicament, the police authorities are not giving adequate protection for removal of the goods lying in

the factory premises. As such, a direction is prayed upon the police authorities to depute a police picket and/or give adequate police protection for the purpose of removal of the goods.

Learned counsel for the respondent nos.6 to 37 submits that the employees have considerable dues from the company and that litigation for such claim is already pending before the appropriate legal forum. As such, it is argued that in the event police picket is imposed at the factory premises, the rights of the said employees would be adversely affected and it will be difficult to implement any order, if finally passed by the legal forum in favour of the said employees.

Upon considering the submissions of both sides, it appears that the employees of the petitioner-company might or might not have a legitimate claim against the petitioner-company, for which they have approached the appropriate forum. However, the petitioner is right in submitting that the employees do not have a lien over the goods produced by the company or the goods which are lying in the factory premises and are to be delivered to the customers of the petitioner. Yet, due to resistance of the employees, the said goods cannot be removed from the factory.

Accordingly, W.P.A. 10077 of 2020 is disposed of by directing the respondent no.2 to arrange for a police picket to be posted at the factory

premises of the petitioner for the period required for the petitioner to remove the goods, which the petitioner is liable to deliver to its customers. It is made clear that this order and/or any observations made therein shall not prejudice the rights and contentions of the parties in the other pending litigations/legal actions between the parties to the present writ court. It is expected that the respondent no.2 shall intimate the necessary costs for deployment of a police picket to the petitioner at the earliest, latest within a week from the date of communication of this order to respondent no.2. The police picket shall be posted upon due payment by the petitioner as expeditiously thereafter as possible, latest within ten days from the date of payment of charges for such picket by the petitioner.

There will be no order as to costs.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)