

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P. No.8589 of 2020

and

W.M.P. No. 10381 of 2020

Magna Automotive India Private Ltd.,
Rep. by its Manager HR & Admin,
Mr. P.Lalith Prasad,
running factory at RNS-11,
Sipcot Industrial Growth Centre,
Oragadam, Vadakupattu Post,
Sriperumbudur Taluk,
Kanchipuram - 603 204.

...Petitioner

Vs.

1. The Superintendent of Police,
Kanchipuram,
Kanchipuram District.
2. The Deputy Superintendent of Police,
SH-57, Singaperumal Koil,
Sriperumbudur Road,
Kanchipuram District - 631 604.
3. The Inspector of Police,
Oragadam, Kanchipuram District.
4. The Deputy Commissioner of Labour,
(Conciliation) - 1, Sriperumbudur,
Kanchipuram District.
5. Left Trade Union Centre (LTUC),
No.268, Bajanai Kovil Street,
Pillaipakkam,
Sriperumbudur Taluk,
Kanchipuram District - 602 105.

...Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus or any other appropriate writ of order or direction in the nature of a writ

directing the first to third respondents to provide police protection to the petitioner's company to protect the property and life of the employees of the petitioner company by preventing the fifth respondent from conducting Dharna or any form of agitation within 500 metres from the compound of SIPCOT, Oragadam, Sriperumbudur, Kancheepuram District.

For Petitioner : Mr. K.Raja

For Respondents

For R1-3 : Mr.S.Karthikeyan
Additional Public Prosecutor

For R4 : Mr. M.Elumalai,
Government Advocate.

For R5 : No Appearance

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus directing the first to third respondents to provide police protection to the petitioner's company to protect the property and life of the employees of the petitioner company by preventing the fifth respondent from conducting Dharna or any form of agitation within 500 metres from the compound of SIPCOT, Oragadam, Sriperumbudur, Kancheepuram District.

2. It appears that an industrial dispute pending between the members of the Works Committee, who is the fifth respondent herein and the Management, before the Commissioner of Labour. The petitioner/ company has filed this petition stating that in spite of the pendency of the conciliating proceedings, the fifth respondent has been instigating other workers to indulge in unlawful activities the normal functions of the company.

3. It is submitted by the learned counsel for the petitioner that in spite of the interference of the conciliating authority, the agitating workers are refusing to refrain from striking and have also issued notice to go on hunger strike.

4. Learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 3, on instructions submitted that the police have already extended protection outside the petitioner's premises and the conciliation authority had also attempted to conciliate the dispute between the workers and the management, which failed. It is seen that the conciliation proceedings with regard to the dispute raised, is still pending before the authorities.

5. The present demand made by the fifth respondent - "Left Trade Union Centre (LTUC)" is that only for the four suspended employees. While conciliation proceedings are pending on the demands, it would not be appropriate to allow the workers to take such coercive action, which is also opposed to law.

6. This Court, by order dated 29.06.2020, granted interim injunction restraining the fifth respondent and its members from holding stay in strike at factory premises of the petitioner and prevented movement of staff and officers and other persons till 29.07.2020. Considering the facts and circumstances of the case, this Court is inclined to extend the interim order.

7. Accordingly, the order of interim injunction restraining the fifth respondents and its members from holding stay in strike at factory premises of the petitioner at OZ-1, Sipcot Hi-Tech SEZ, Oragadam, Sriperumpudur Taluk, Kanchipuram District 602 105 and preventing movement of staff and officers and other persons and ingress and egress of vehicles carrying finished goods and raw materials, shall continue. In case of any violation of the injunction order, the third respondent police shall extend the necessary protection to the petitioner.

8. With the above observation and direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Kanchipuram,
Kanchipuram District.
2. The Deputy Superintendent of Police,
SH-57, Singaperumal Koil,
Sriperumbudur Road,
Kanchipuram District - 631 604.
3. The Inspector of Police,
Oragadam, Kanchipuram District.

4.The Deputy Commissioner of Labour,
(Conciliation) - 1, Sriperumbudur,
Kanchipuram District.

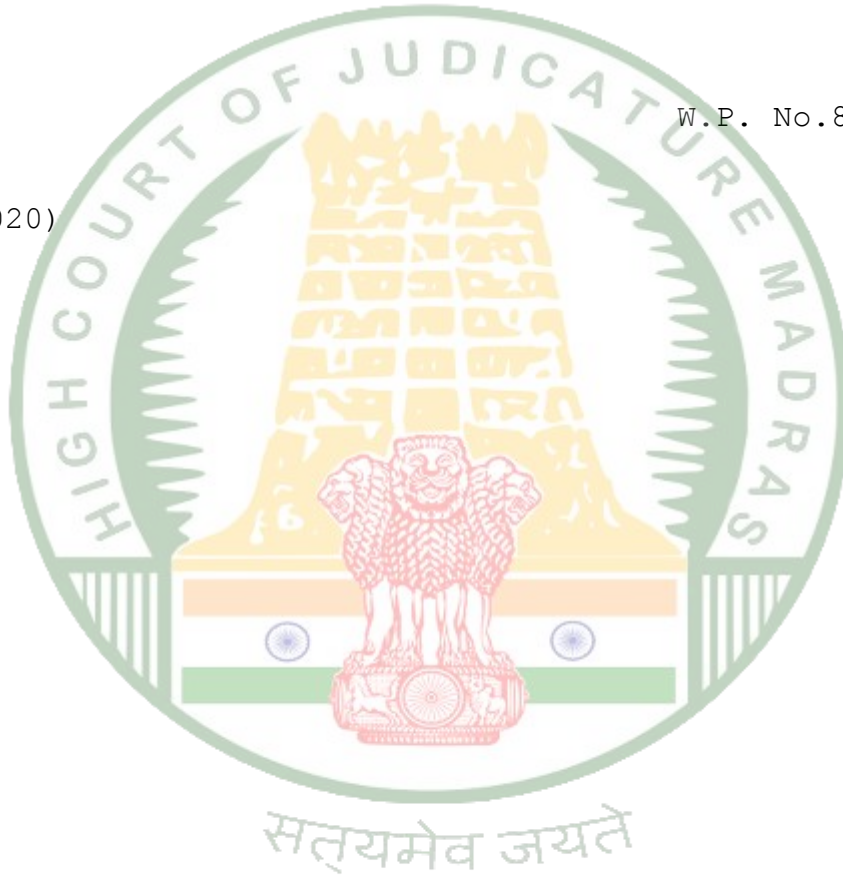
5.The Public Prosecutor,
High Court,
Madras.

+1 cc to Mr.K.Raja,Advocate Sr.No.25997

+1 cc to the Government Pleader,Advocate Sr.No.26133

W.P. No.8589 of 2020

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