

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.03.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.4669 of 2021

M/s.Capella Fashions Limited

A company registered under the Companies Act
Rep. by its Authorised Signatory R.Thiruvengadam,
Having office at Plot No.AP-2,
Mahindra World City,
Chengalpattu District - 603 004.

..Petitioner

Vs.

1. The Superintendent of Police,
Chengalpattu,
Chengalpattu District-603 004.
2. The Inspector of Police
Chengalpattu Taluk,
Chengalpattu.
3. M/s.Slam Clothing Private Limited
A company registered under the Companies Act 1956
Having its registered office at 56-61 Dhanalakshmi Nagar
Mangadu Road,
Moulivakkam,
Porur, Chennai - 600 116.
4. R.Charles
5. Aarivarasu
6. Varadhan
7. R.Sudharsan
8. M/s.Mahindra World City Developers Ltd.
A Company registered under the Companies Act
having office at Administrative Block, Central Avenue,
Mahindra World City, Chengalpattu Taluk,
Chengalpattu - 603 004.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to direct the respondents 1 to 2 to provide police protection to

the petitioner's property situated at M/s.Capella Fashions Limited, bearing Plot No.AP-2, Mahindra World City, Chengalpattu Taluk, Chengalpattu District-603 004 and further ensure that the workers employed by the 3rd respondent do not interfere with the Plaintiff's peaceful possession and enjoyment of the property for carrying on its authorized operations and to maintain law and order by forbearing the respondents 4 to 7, their agents, other employees, representatives suppliers, vendors, contractor or any other person acting at their behest in any way preventing ingress and egress of the directors, contract workmen, advisors, visitors of the petitioner or staging any form of protest by gheraoing and assembling illegally in any form within 300 meters in and around the petitioner's factory premises.

For Petitioner : Mr.R.Bharath Kumar

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

O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the respondent police to provide police protection to the petitioner in order to enable the petitioner to clear the materials lying inside the subject property and to take possession of the same.

2.The case of the petitioner is that they had given the subject property on lease to the 3rd respondent for running their business. The business of the 3rd respondent ran into rough weather and he was not able to even pay the rent to the petitioner and a huge amount piled up. In the meantime, the lease period also came to an end. Due to the financial problems faced by the 3rd respondent, they were not able to settle their workmen and staff and ultimately they have closed down the business.

3.The petitioner requested the 3rd respondent to clear the materials lying inside the subject property in order to enable the petitioner to take possession of the property since, the lease has already come to an end in June 2021. The 3rd respondent by their communication dated 28.12.2020, requested the petitioner to remove all the materials and pack it in a container and deposit the same in a particular property or to ship it. The 3rd respondent also requested the petitioner to visit the property and assess the cost of packing and removing them all in a good condition.

4.Pursuant to such an understanding by the parties, the officers of the petitioner Company made an assessment of the materials lying inside the subject property and at that point of time, the same was resisted by respondents 4 to 7 who are said to be the erstwhile employees of the 3rd respondent Company. They resisted the removal of the materials on the ground that their wages are yet to be settled. Even though, the petitioner attempted to explain them that they have to work out their remedy for wages with the 3rd respondent, they were not prepared to budge and started causing threat to the officers belonging to the petitioner Company. Left with no other option, the petitioner gave a representation to the respondent police on 18.01.2021 seeking for police protection. Since the representation was not acted upon, the present writ petition has been filed before this Court seeking for appropriate directions.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent police.

6.Taking into consideration the facts and circumstances of the case and also of the fact that the 3rd respondent has already expressed their intention to vacate the property and had requested the petitioner to remove the materials and pack it in a container, there shall be a direction to the 2nd respondent to call the parties for an enquiry and instruct the respondents 4 to 7 and other workers belonging to the 3rd respondent Company to work out their remedy against the 3rd respondent insofar as the arrears of wages is concerned and further instruct them not to cause any threat or physically prevent the petitioner from removing the materials and taking possession of the subject property. If required, the 2nd respondent shall also provide police protection and if any charges are payable for the same, the petitioner shall also make the necessary charges to the 2nd respondent. The petitioner is directed to make a fresh representation to the 2nd respondent along with a copy of this order.

7.This writ petition is disposed of with the above directions. No Costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssr

To

1. The Superintendent of Police,
Chengalpattu,
Chengalpattu District-603 004.

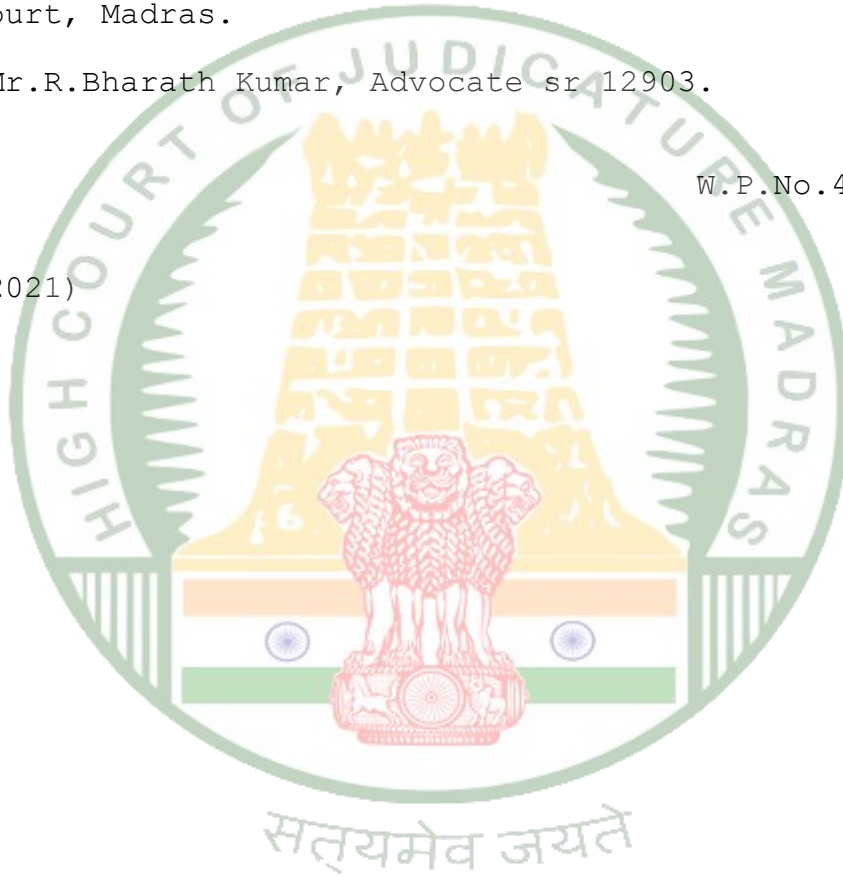
2. The Inspector of Police
Chengalpattu Taluk,
Chengalpattu.

3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.R.Bharath Kumar, Advocate sr 12903.

W.P.No.4669 of 2021

PL(CO)
SP(16/03/2021)



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