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W.P.No.28224 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE R.N.MANJULA

W.P.No.28224 of 2022

&

WMP.No.27522 of 2022

India Yamaha Motor Pvt. Ltd.,
Plot No.VV-1, SIPCOT Industrial Park,
Vallam Vadagal Village,
Sriperumbudur Taluk, Kanchipuram District,
Tamilnadu 602 105.

represented by its authorised representative
Mr.Sathish Kumar

...

Petitioner

/vs/

1. The Inspector of Police,
C1 Sriperumbudur Police Station,
Kancheepuram 602 105.
2. The Deputy Superintendent of Police,
Sriperumbudur,
Kancheepuram 602 105.
3. India Yamaha Motor Thozhilalar Sangam,
represented by its General Secretary,
Mr. T. Prakash,
(Reg.No.538/KPM, (affiliated to CITU),
No.21 B, Vilakkadi Koil Street,
Kanchipuram District,
Pin 621 501.

...

Respondents



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Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the 1st and 2nd respondent police authorities to take all steps to provide full police protection including eviction of about 324 number of workmen remaining unauthorisedly inside the premises of the factory of the petitioner in violation of orders of this Court dated 13.10.2022, so as to enable the petitioner to get full benefit of the said order made by this Court in WMP.Nos.26879, 26880 and 26882 of 2022 in WP.No.27610 of 2022.

For Petitioner	...	Mr. S. Ramasubramanian and Associates
For Respondents	...	Mr.A.Damodaran, Additional Public Prosecutor-R1 & R2 Mr.N.G.R. Prasad for R3

ORDER

The Writ Petition has been filed seeking a direction to the respondents 1 and 2 to provide police protection to the petitioner factory including eviction of about 324 workmen who are remaining unauthorisedly inside the factory premises ever since 11.10.2022 and continuing the same as on date.

2. The petitioner is a joint venture company situated at Plot No.VV-1, SIPCOT Industrial Park, Vallam Vadagal Village, Sriperumbudur Taluk,



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Kanchipuram District, Tamil Nadu 602 105 manufacturing and marketing automobiles. The 3rd respondent is a Workmen Union comprising of a portion of the workers employed under the petitioner's company.

3. It is seen that with regard to the disputes between the petitioner and 3rd respondent, an earlier Writ Petition has been filed by the petitioner against the 3rd respondent Union in W.P.No.27610 of 2022 for the following prayer;

' to issue a writ of mandamus directing the respondent/trade union not to indulge in any manner of strike/work stoppage or instigating others in employment to indulge in strike or work stoppage in the establishment of the petitioner pursuant to the strike notice issued by respondent on 22.09.2022, situated at VV1, Sipcot Industrial Park, VallamVadagal, Taluk, Sriperumbudur, Tamil Nadu 602 105.'

and in the above said writ petition, an interim order has been granted on 13.10.2022 to the following effect.

'5. Accordingly, this Court directs the respondent Union to strictly abide by the interim injunction passed by Subordinate Court, Kancheepuram on 31.03.2022 in I.A.No.2



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of 2022 in O.S.No.76 of 2022 and it is made clear that the respondent shall not cause any obstructions to the petitioner to carry out its regular business. If the petitioner requires any police assistance for the effective implementation of this order, they shall seek police assistance and the police shall act accordingly.

6. Notice to the respondent, returnable by 02.11.2022. Private Notice is also permitted.'

4. It was learnt from the above said order that in connection with the industrial dispute, a civil dispute is also pending between the petitioner and the 3rd respondent in O.S.No.76 of 2022, before the Subordinate Court, Kancheepuram, in which, an order of interim injunction has been granted in I.A.No.2 of 2022 on 31.03.2022. The order dated 13.10.2022 is said to be still in force and the said order has been passed after considering the order of the Civil Court dated 31.3.2022 made in I.A.No.2 of 2022 in O.S.No.76 of 2022.

5. The learned Senior counsel appearing for the 3rd respondent Union, submitted that the workers representing the 3rd respondent who are



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indulging in strike by making various demands in order to resolve their industrial disputes and they cannot be driven away by employing police force.

6. The learned Additional Public Prosecutor appearing for the State submitted that if the police enters into the factory premises of petitioner to remove the workers who are on strike that might make the situation graver.

7. It is reliably learnt from the submissions made by the learned Senior Counsel appearing for the petitioner and the learned Senior Counsel appearing for the 3rd respondent that conciliation process is going on and there is a possibility to resolve the issues amicably.

8. Since the 3rd respondent is yet to make its appearance in W.P.No.27610 of 2022 which is posted on 2.11.2022, I feel the larger issue about the strike and directions sought in this regard can be effectively agitated after the 3rd respondent makes his appearance in W.P.No.27610 of 2022. Since the relief sought for in the writ petition has a direct impact on



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the other writ petition which is already pending in this regard, I would only say that the 3rd respondent can make his appearance and make submission in W.P.No.27610 of 2022 on 2.11.2022. I feel it is also appropriate to impress the 3rd respondent union to observe peace and not to disturb the other workers who are not involved in strike. The workers should also know that the Civil Court had mandated the workers not to agitate within 500 metres from the factory premises.

9. With these observations, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

20.10.2022

msr

Index:yes/no

Internet:yes/no

To

1. The Inspector of Police,
C1 Sriperumbudur Police Station,
Kancheepuram 602 105.
2. The Deputy Superintendent of Police,
Sriperumbudur,
Kancheepuram 602 105
3. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.

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