



W.P.No.33588 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P. No. 33588 of 2022

and

W.M.P.No.22046 of 2022

E.I.D. Parry (India) Limited
Represented by its Authorised Signatory
Nellikuppam, Cuddalore District.

... Petitioner

Vs.

1. The Superintendent of Police,
Cuddalore - 607 001.
2. The Inspector of Police,
Nellikuppam Police Station,
Nellikuppam,
Cuddalore District.
3. Parry Employees' Union for Staff
Main Road, Nellikuppam,
Cuddalore District - 607 105,
Rep. by its General Secretary.
4. EID Parry Labour Union
(Reg. No.SAT/ 340)
Main Road, Nellikuppam,
Cuddalore District - 607 105.
Rep by its General Secretary

...Respondents



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PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the 2nd respondent herein to provide adequate police protection for ingress and egress of vehicles, suppliers and dealers and Workers from in and out of the factory premises, by ensuring that no striking workers assemble illegally inside the petitioner factory premises and in any form within the radius of 1000 meters from petitioner's factory premises namely, EID Parry (India) Limited, Nellikuppam, Cuddalore District, Tamil Madu - 607 105, pursuant to the complaint of the petitioner dated 01.11.2022.

For Petitioner : Mr.S.Haroon
for Mr.T.S.Gopalan & Co
For R1 & R2 : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed seeking direction to the 2nd respondent herein to provide adequate police protection for ingress and egress of vehicles, suppliers and dealers and Workers from in and out of the factory premises, by ensuring that no striking workers assemble illegally inside the petitioner factory premises and in any form within the radius of 1000 meters from petitioner's factory premises namely, EID Parry (India) Limited, Nellikuppam, Cuddalore District, Tamil Madu - 607 105, pursuant to the complaint of the petitioner dated 01.11.2022.



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2.The learned counsel appearing for the petitioner submitted that statement under Section 12(3) of I.D. Act was entered between the management of the petitioner and the workers on 09.11.2020. Thereafter, 3rd & 4th respondent raised Industry-Wide settlement talks between the various Sugar Industries situated in Tamil Nadu. In this regard, the discussions were held on 14.07.2022, 22.07.2022, 29.07.2022, 05.08.2022, 06.08.2022, 26.08.2022, 07.09.2022, 20.09.2022, 05.10.2022, 06.10.2022, 12.10.2022, 15.11.2022, 16.11.2022, 17.11.2022, 18.11.2022, 22.11.2022, 23.11.2022, 24.11.2022, 25.11.2022, 26.11.2022, 27.11.2022 and 28.11.2022. Pending the negotiations, members of R3 & R4 Union assembled in front of the main gate and resorted to agitations. It is apprehended that the Respondent Unions would resort to protest and thereby hamper the production and the discipline of the factory. Therefore, the present petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that, on the basis of the representation given by the petitioner on 01.11.2022, C.S.R.No. 950 of 2022 is registered and it is pending for enquiry. He further submitted that there is no strike going on, as on today.



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4. Considering the rival submissions, this Court is of the considered view that the Workers are no doubt entitled to make protest in support of the claim. However, they are not entitled to disrupt day to day functioning of the factory and discipline in the factory. Since, petition enquiry is pending, the respondent police are directed to complete the enquiry as expeditiously as possible and in case of necessity, provide appropriate police protection to the petitioner.

5. With this observations, this Writ Petition is disposed of. Consequently connected miscellaneous petition is closed. No costs.

14.12.2022

Index :Yes/No
Internet:Yes/No
Sma



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G.CHANDRASEKHARAN, J.

Sma

To

1. The Superintendent of Police,
Cuddalore - 607 001.
2. The Inspector of Police,
Nellikuppam Police Station,
Nellikuppam,
Cuddalore District.
3. The Public Prosecutor,
High Court of Madras.

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