



WEB COPY



Writ Petition No.26909 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Writ Petition No.26909 of 2023
and W.M.P.No.26333 of 2023

Hyundai Motor India Limited,
Plot No.H-1, SIPCOT Industrial Park,
Irrungattukottai,
Sriperumbudur Taluk,
Kancheepuram District - 602 117.
Represented by its Authorized Signatory

... Petitioner

Versus

1.The Secretary,
Hyundai Motor India Employees Union,
27, Mosque Street, Chepauk, Triplicane,
Chennai - 600 005.

2.The Inspector of Police,
Sriperumbudur Police Station,
Sriperumbudur Taluk, Kancheepuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to provide police protection to the petitioner, its properties, men and materials at H-1, SIPCOT Industrial Park, Irrungattukottai, Sriperumbudur, Kancheepuram District for free movement of men and materials from the above premises and prevent occurrence of unlawful activities at the instance of the first Respondent, its members, men, agents or persons acting in the name of first Respondent.



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For Petitioner : Mr.S.Ravindran, Senior Counsel
for Mr.D.Abdullah

For Respondents : Mr.Sivakumar [R1]
Mr.A.Damodaran
Additional Public Prosecutor [R2]

ORDER

This Writ Petition has been filed to direct the second respondent to provide police protection in order to ensure free movement of men and materials to and from the factory at H-1, SIPCOT Industrial Park, Irrungattukottai, Sriperumbudur, Kancheepuram District.

2. Heard Mr.S.Ravindran, learned Senior Counsel appearing for petitioner, Mr.Sivakumar, learned counsel appearing for first respondent and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for second respondent.

3. Learned Senior Counsel appearing on behalf of the petitioner submitted that the first respondent union went on a strike and conducted a Dharna within the factory premises on 10.08.2023. Conciliation proceedings are pending before the Conciliation Officer. The Conciliation Officer had advised the striking employees to maintain



peace and not to disrupt the functioning of the factory. Accordingly, the strike was withdrawn. Even thereafter, there was a sit in protest that was conducted by the first respondent and once again, the Conciliation Officer has intervened through proceedings dated 08.09.2023. Learned Senior Counsel submitted that the petitioner apprehends that the first respondent will once again indulge in a sit in protest and conciliation proceedings are now posted for hearing on 13.09.2023. Therefore, the present writ petition has been filed before this Court seeking for a direction to the second respondent police to provide police protection.

4. Learned Additional Public Prosecutor appearing on behalf of the second respondent submitted that as on date, there is no sit in protest conducted by the first respondent.

5. Learned counsel, who took notice on behalf of the first respondent, submitted that the first respondent had already shown their protest and now the matter is attempted to be conciliated and an amicable solution will be arrived at between the parties. Learned counsel, therefore, submitted that the first respondent do not intend to once again go on a sit in protest in the factory premises.



6. In the light of the above submission, this Court is of the fond hope that the petitioner and the first respondent will be able to reach a settlement before the Conciliation Officer and the first respondent will also act upon the undertaking that was given before this Court that they will not go on a sit in protest in the factory premises. If the first respondent decides to once again resort to a sit in protest in future, it is left open to the petitioner to give a complaint to the second respondent and the second respondent shall act upon the same and deal with the complaint in line with the judgment of this Court ***Hindustan Motor Finance Corporation Ltd. v. Superintendent of Police, Thiruvallur and others*** [2019 (3) LLN 749 (Mad.)].

This Writ Petition is disposed of in the above terms. No costs.
Consequently, connected miscellaneous petition is closed.

12.09.2023

Note to office: Issue order copy by 13.09.2023

Index: Yes/No
Speaking Order / Non-Speaking Order
Neutral Citation: Yes / No

rjr/gm



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To

1.The Inspector of Police,
Sriperumbudur Police Station,
Sriperumbudur Taluk,
Kancheepuram District.

2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

gm

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