



1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.3252 of 2023

M/s.Kals Distilleries Pvt. Ltd.,
M/s.Kals Distilleries,
represented by Director,
K.Kaliyaperumal,
Office at: No.23/5, Thaniachalam Road,
T.Nagar, Chennai-600 017. : Petitioner

Vs.

- 1.The Inspector General of Police,
Trichy.
- 2.The Superintendent of Police,
Thanjavur District.
- 3.The Inspector of Police,
Kabistharam, Papanasam Taluk,
Thanjavur District.
- 4.Tamil Nadu Sugarcane Farmers
Association,
rep. by its Secretary
T.Kasinathan : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to evict the agitators and not allowing the agitations from the main gate of Thiru Arooran Sugar Mill, Thirumandangudi, Thanjavur District, for the peaceful running of the said Mill and pass such other order.



WEB COPY



2

For Petitioner : Mr.G.Murugendran
For R1 to R3 : Mr.B.Nambiselvan
Additional Public Prosecutor
For 4th Respondent : Mr.S.M.Mohan Gandhi

O R D E R

This Writ Petition has been filed by the petitioner seeking for direction to the 3rd respondent to evict the agitators and not allowing the agitations from the main gate of Thiru Arooran Sugar Mill, Thirumandangudi, Thanjavur District, for the peaceful running of the said Mill.

2.Heard both sides.

3.At the first instance to what extent, restrictions or conditions can be imposed upon the 4th respondent while making protest/demo, was the only point for consideration in this petition, but later issued cropped up.

4.The grievance of the writ petitioner is that the 4th respondent the farmers are blocking one of the main gates of the premises of the mill, preventing the staff members, ingress and egress to the mill premises, which



according to him, is not permissible under law. They also relied upon some judgments passed by this court namely (1) The Management of SNY Autotech Pvt. Ltd., rep. by its Director, Survey No.297, 300, 301, Sugamtharumpedu Village Road, Irrungattukottai, Sriperumbudur Taluk-602 117 Vs. The Inspector of Police, C1 Police Station, Sriperumbudur and another [(2018)2 LW (Cri) 870]; (2) .M/s.Motherson Automotive Technologies & Engineering (A Division of Motherson Sumi Systems Limited) chengalpattu-Sriperumbudur Road, Pondur Village and Post, Near Sriperumbudur, Kancheepuram (District)-602 105, represented by its Deputy General Manager MT, Guruprasad M.K Vs. The Inspector of Police, The Station House Office, Sriperumbudur Police Station, Sriperumbudur, Kancheepuram District (W.P No.24531 of 2019, dated 20/07/2021); and (3).Nobel Tech Industries Pvt. Ltd., rep. by its Managing Director R.Ramesh Vs. the Inspector of Police, G9, Perunagar Police Station, Uthiramerur, Kanchipuram District (W.P No.8051 of 2019, dated 25/08/2022), taking the uniform stand that such protest/demo must be conducted at least 200 meter away from the premises of the mill or office as the case may be.



5.The contention of the 4th respondent is that huge amount is due to be paid to the farmers, who supplied sugarcane to the erstwhile management; criminal offence has also been committed by the erstwhile management by obtaining loans, utilizing the aadhar cards of the innocent farmers; Now they are receiving notices from the Bank to clear the loans; Apart from that, some other grievance has also been expressed by the 4th respondent, which we are not concerned herein.

6.In response to the above said grievance expressed by the 4th respondent, a simple answer has been given by the petitioner stating that they have purchased the Mill from the erstwhile owner; They took over Thiru. Arooran Factory, Thirumandangudi, through the order of the NCLT, Chennai; They have been directed to pay the consideration in four equal instalments; Now the liability of payment of Rs.4,501.46 lakhs has been fully discharged on 1st February 2023 itself. So they have fulfilled their obligation undertaken under the scheme. They further submitted that absolutely, they can have any grievance, if protest or demo undertaken by the 4th respondent away from the premises without blocking the



ingress and egress; They have to undertake the repair work. Crushing work is going to commence soon and more than 2000 farmers are waiting for the work to be commenced; The 4th respondent farmers are only few in numbers and they cannot stall the entire process of the commencement of the work.

7. When the matter was taken up for hearing, at the first instance, the learned Additional Public Prosecutor has submitted that the earlier order of this court passed in WP(MD)No.28075 of 2022, dated 19/12/2022 was complied; Now the protestors have moved away from the gate area. But this fact was disputed by the petitioner stating that one of the main gates is still blocked by the 4th respondent. At that time, the 4th respondent was not impleaded.

8. So finding that larger issues are involved in this matter, apart from the law and order problem, the petitioner was directed to implead the representatives of the protesting farmers. But in the meantime, the Advocate on behalf of the 4th respondent appeared and wanted to file impleading petition. They were also



permitted to file the impleading petition. The 4th respondent has also brought on record, by this way.

9. When the 4th respondent appeared through Advocate, this court made a specific question to him as to their demand. They replied that the amount is due to be paid to the farmers for the supply of sugarcane to the erstwhile management and the criminal offence has been committed by the above said establishment as noted above. They also submitted that they will withdraw the protest, if the payment is made immediately.

10. In response to this argument, the petitioner submitted that now they are going to comply the order, that has been passed by the NCLT, Chennai and the 4th respondent also participated in the above said NCLT proceedings. Aggrieved over the order, the 4th respondent has also filed appeal and now, it is pending. According to them, the price is paid by the present management to the protesting farmers. With regard to the criminal offence, it has been submitted that they cannot be saddled with any liability.



WEB COPY

11.It is also submitted that only the Government and the concerned Bank officials are competent to resolve the issue. So finding that apart from the proceedings before the NCLT, some other issues are also involved, in which the State Government has to take part in the solution. The learned Additional Public Prosecutor required to inform the District Collector, Thanjavur to arrange meeting. That was the oral order. In pursuance of the oral direction, tripartite meeting was arranged in the presence of the Revenue Divisional Officer, Kumbakonam. A report is also submitted by the learned Additional Public Prosecutor.

12.From the report, it is seen that on behalf of the 4th respondent, their representative participated; on behalf of the Management, their officials, on the side of the Revenue and police, Bank and Agricultural Department, officials also participated. In the above said meeting, the 4th respondent has made four demands. On behalf of the petitioner, the steps taken by the management has also been stated. Eight issues took up for discussion.



13.The 4th respondent herein did not agree for one time settlement scheme proposed by the Bankers. With regard to the borrowing made by the erstwhile Management, Liquidator was required to give statement, so that the present Management namely the petitioner herein may consider the same. These are the important subject matter for consideration, leaving other matters.

14.On the side of the Government, it was opined that in the presence of the District Collector, Thanjavur, three meetings were held and four meetings in the presence of the RDO and Tasildhar. In spite of that, it was opined that the matter can be settled only in a phased manner. So the 4th respondent was required to withdraw the protest. This was not agreeable to the 4th respondent. They also insisted that unless an undertaking is given, they will not withdraw their protest. So without making any resolution, the above said meeting ended.

15.Reading of the above said report shows that the 4th respondent is insisting upon some undertaking by the Government, Bankers as well as the petitioner. This court



is concerned about finding solution to the issue.

Because, for about 120 days, the above said protest is continuing and how long it will go, is not known.

16. By pointing out this only, this court required both parties namely the petitioner and the 4th respondent herein to come to a settlement. But both of them stood on their point. The petitioner submitted that they have no objection for the 4th respondent to take the protest, but of course, it must be away from the main gate and the premises.

17.No doubt, whenever protest or demonstration are undertaken, this court had taken a uniform and consistent view that the protest should not make any hindrance to the passage and functioning of the establishment. Reference can be made to the order passed in the cases noted above.

18. So there is no problem for this court to follow the above said order, directing the 4th respondent to keep away from the main gate as well as the premises. But at the same time, as mentioned earlier, the petitioner has



become a new Management taken over the establishment along with the liability. So the petitioner cannot wash off their hands simply stating that the 4th respondent can undertake the demonstration or protest away from the premises.

19. Similarly, the 4th respondent should also agree for some sort of settlement. As mentioned in the reply by the RDO, Kumbakonam, the issue can be sorted out or fulfilled in a phased manner. But how long it will take is not known. The protest or demonstration may also prolong without seeing any solution. So the interest of the petitioner and the 4th respondent has to be safeguarded.

20. As mentioned above, the petitioner has to commence the crushing work by making all the repairs, maintenance, etc. The 4th respondent must also get their issues resolved. Now the issue that has been raised by the 4th respondent is not directly connected to the matter that is pending before the Appellate Tribunal. In respect of the subject matter in the appellate tribunal, the parties can work out their remedy. But so far other



issues which have been raised by the 4th respondent, I am of the considered view that another meeting may also be arranged in the presence of the District Collector, Thanjavur, in continuation of the meeting held on 21/03/2023 and if required, the meeting may also be followed by one or two sittings to resolve the issues.

21. With the above said observations, this writ petition is **disposed of** with the following directions:-

1. The 4th respondent is directed to shift the place of protest from the gate area and the premises of the petitioner 200 meters away;

2. In the meantime, the District Collector, Thanjavur is hereby required to arrange tri-party meeting in continuation of the earlier meeting held, on 21/03/2023 under his presence to resolve the issue. The above said meeting shall be arranged within 10 days from the date of receipt of a copy of this order; and



WEB COPY



12

3.The 3rd respondent herein is directed to ensure that the 4th respondent shifts the place of protest/demo as indicated in this order in para No.1.

22.With these directions, this writ petition stands **disposed of. No costs.**

11.04.2023

Index :Yes/No
Internet :Yes/No
er



WEB COPY

To

- 1.The Inspector General of Police,
Trichy.
- 2.The Superintendent of Police,
Thanjavur District.
- 3.The Inspector of Police,
Kabisthalam,
Papanasam Taluk,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



14

G. ILANGO VAN, J

er

Order made in
W.P(MD) No.3252 of 2023

Dated :11.04.2023