

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

Contempt Petition No.1887 of 2018

E.Gajendran

.. Petitioner

Vs

Mr.Ramachandran
Assistant Director of Survey
and Land Records, Tiruvallur
Tiruvallur District

.. Respondent

Prayer :- Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for wilful disobedience of the order of the court made in w.P.No.21617 of 2015 dated 20.07.2015 under the provisions of Contempt of Courts Act.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.P.S.Sivashanmuga Sundaram
Special Government Pleader

ORDER

When the matter is taken up for hearing, it is represented by the learned counsel appearing for both sides that the Writ Appeal filed by the respondent herein, has been dismissed by a Division Bench of this Court in Writ Appeal No.778 of 2019 dated 14.03.2019.

2. As the order of the learned Single Judge is merged with the order in Writ Appeal, Contempt Petition will not lie against

the order passed in W.P.No.21617 of 2015.

3. In the case of **Kunhayammed vs. State of Kerala**, reported in **(2000 (6) SCC 359)**, the principle of Doctrine of Merger has been widely discussed. With reference to the three-Judge ruling in **Kunhayammed** case and yet another decision of the Apex Court in the case of **Dineshan, K.K. vs. R.K.Singh** reported in **(2014) 16 SCC 88**, this Court is of the view that once the order passed in a Writ Petition gets merged with the order of the Writ Appeal, the remedy available to the petitioner is to file a Contempt in the Writ Appeal and not in the Writ Petition, unless and until the Apex Court specifically directs the High Court to decide the issue.

4. Thus, in view of the principle of Doctrine of Merger discussed above, **the present Contempt Petition cannot be adjudicated and hence, it is closed.** However, it is open to the Petitioner to work out his remedy in the manner known to law.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

NVSRI

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Smi/17/09/2019

To

Assistant Director of Survey
and Land Records, Tiruvallur
Tiruvallur District.