

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Contempt Petition Nos.1381 to 1393 of 2017

K.Palanivel ..Petitioner in Contempt Petition No.1381/2017
V.Mani ..Petitioner in Contempt Petition No.1382/2017
J.Ramesh ..Petitioner in Contempt Petition No.1383/2017
S.Sivakumar ..Petitioner in Contempt Petition No.1384/2017
M.Pazhanivel ..Petitioner in Contempt Petition No.1385/2017
K.Rajendran ..Petitioner in Contempt Petition No.1386/2017
S.Subramaniyan ..Petitioner in Contempt Petition No.1387/2017
K.Goindarasu ..Petitioner in Contempt Petition No.1388/2017
A.Pandurangan ..Petitioner in Contempt Petition No.1389/2017
K.Manivasagam ..Petitioner in Contempt Petition No.1390/2017
S.Rajendiran ..Petitioner in Contempt Petition No.1391/2017
V.Venkatesan ..Petitioner in Contempt Petition No.1392/2017
P.Muthu ..Petitioner in Contempt Petition No.1393/2017

vs.

1. Dr.S.Saikumar, I.A.S.,
Chairman & Managing Director,
TANGEDCO,
formerly TNEB Limited,
No.144, Anna Salai,
Chennai 600 002.

2. A.R.Ravi,
Chief Engineer/Personnel,
TANGEDCO,
formerly TNEB Limited,
No.144, Anna Salai,
Chennai 600 002.

... Respondents

Contempt Petitions filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the Respondents for the act of wilful and deliberate disobedience of the common order dated 28.07.2016 passed by this Court in W.P.Nos.8673 to 8676 of 2016, W.P.Nos.8880 to 8883 of 2016, W.P.Nos.8544, 8553 & 8560 of 2014 and W.P.Nos.13794 & 17438 of 2016.

For Petitioner

in all Petitions : Mr.K.S.Govindaprasad

For Respondents

in all Petitions : Mr.P.R.Dhileep Kumar

C O M M O N O R D E R

When these matters were taken up hearing, it was represented by the learned counsel for the Petitioners that the common order dated 28.07.2016 passed by this Court in W.P.Nos.8673 to 8676 of 2016, W.P.Nos.8880 to 8883 of 2016, W.P.Nos.8544, 8553 & 8560 of 2014 and W.P.Nos.13794 & 17438 of 2016 were challenged before a Division Bench of this Court, whereby, the common order passed by the learned Single Judge was reversed and the matter is now pending before the Apex Court.

2. Since the common order dated 28.07.2016 passed by this Court in the above Writ Petitions has been reversed by a Division Bench of this Court, **the above Contempt Petitions will not lie.**

<https://hcservices.ecourts.gov.in/hcservices/>

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, **these Contempt Petitions cannot be adjudicated and hence, they are closed.** However, it is open to the Petitioners to work out their remedy in the manner known to law.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

aeb

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

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Mv/08/07/2019