

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2020

**CORAM:
THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN**

Contempt Petition No.1086 of 2013

1. C.Shanmugam
2. P.Subramanian
3. C.Kuppusamy
4. M.G.Ravi
5. A.Kumar
6. G.Perumal
7. P.Narayanasamy
8. T.Ponmudi
9. A.Sakthivel
10. T.Chinnakannu
11. R.Murugan
12. K.Subramanian
13. A.Vabeer
14. R.Perumal
15. M.Gothandam

... Petitioners

1. Dr.Porkaipandian
Director of Public Health and
Preventive Medicine Department,
Teynampet, Chennai 600 006.
2. Dr.R.Meera
Deputy Director of Health Services,
Villupuram,
Villupuram District.
3. Dr.V.Govindan,
Deputy Director of Health Services,
Kallakurichi,
Villupuram District.

4. Dr.S.Muthukumaran
Block Medical Officer of
Government Primary Health Centre,
Valathai,
Villupuram District.
5. Dr.P.Krishnarajan
Block Medical Officer of
Government Primary Health Centre,
Murukeri,
Villupuram District.
6. Dr.E.Sathiskumar
Block Medical Officer of
Government Primary Health Centre,
Kachirapalayam,
Villupuram District.
7. Dr.A.Dharamandran,
Block Medical Officer of
Government Primary Health Centre,
Melur, Villupuram District.
8. Dr.A.Sukumaran
Block Medical Officer of
Government Primary Health Centre,
Mugaiyur, Villupuram District.
9. Dr.N.Boobesh,
Block Medical Officer of
Government Primary Health Centre,
Ariyur, Villupuram District.
10. Dr.N.Gnanaprakasam,
Block Medical Officer of
Government Primary Health Centre,
Melchithamur,
Villupuram District.

... Respondents

Contempt Petition filed under Order 11 of the Contempt of Courts Act, 1971, praying to punish the Respondents herein for willfully disobeying the order of this Court in **W.P.No.27777 of 2010, dated 16.12.2010.**

For Petitioners : Mr.Sedhu Madhavan
for Mr.M.Ravi

For Respondents : Mr.M.Elumalai,
Additional Government Pleader

ORDER

This Contempt Petition is filed alleging willful disobedience of the order dated **16.12.2010** passed by this Court in **W.P.No.27777 of 2010.**

2. When the matter is taken up for hearing today, it is represented by the learned Additional Government Pleader appearing for the Respondents that, the order under contempt was challenged in **W.A.No.1241 of 2012** and the same was disposed of by a Division Bench of this Court and that, a Review Petition filed against the same is pending.

3. In view of the submissions of the learned Additional Government Pleader, Contempt will not lie against the order passed in the Writ Petition.

4. 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 by the Apex Court. 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.

5. 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, if the Petitioners are aggrieved, it is open to them to work out their remedy in the manner known to law.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

aeb/jas

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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SMI/02/11/2020

To

1. The Director of Public Health and Preventive Medicine Department, Teynampet, Chennai 600 006.

2. The Deputy Director of Health Services,
Villupuram,
Villupuram District.
3. The Deputy Director of Health Services,
Kallakurichi,
Villupuram District.
4. The Block Medical Officer of
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