

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Contempt Petition No.1088 of 2013

1. G.Selvaraj
2. A.Devakumar
3. M.P.Kumar
4. A.Arumugam
5. M.Madhurai Muthu
6. P.Natrajan

... Petitioners

VS.

1. M.Rajendran, I.A.S,
Commissioner of Agriculture Engineering Department,
Chepauk, Chennai – 5.
2. M.Senthil,
Chief Engineer,
Agricultural Engineering,
Chennai – 600 035.
3. T.Sekar,
Joint Director of Agriculture Department,
Villupuram, Villupuram District.
4. U.Pandian,
Assistant Executive Engineer,
Agriculture Engineering Department,
Villupuram, Villupuram District.
5. K.Rasu,
Deputy Director of Horticulture,
Villupuram, 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.27780 of 2010, dated 16.12.2010.**

For Petitioners : Mr.Kumar
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.27780 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/06/11/2020

To

1. The Commissioner of Agriculture Engineering Department, Chepauk, Chennai – 5.

2. The Chief Engineer,
Agricultural Engineering,
Chennai – 600 035.
3. The Joint Director of Agriculture Department,
Villupuram, Villupuram District.
4. The Assistant Executive Engineer,
Agriculture Engineering Department,
Villupuram, Villupuram District.
5. The Deputy Director of Horticulture,
Villupuram, Villupuram District.



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