

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2020

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

Contempt Petition No.1856 of 2013

1. T.Gopalakrishnan
 2. M.Nachimuthu
 3. P.Rangasamy
 4. R.Thirumurthy
 5. D.Sureshkumar
 6. K.Murugesan
 7. R.Subramanian
 8. M.Arumugam
 9. R.Vellaiangiri
 10. N.Ammasai
 11. S.N.Rajendran
 12. J.Peter
 13. K.M.Devaraj
 14. N.Easwaramurthy
 15. A.Rahamadulla
 16. M.Karthikeyan
 17. N.S.Govindarajan
 18. O.S.Loganathan
 19. N.Raghupathy
 20. D.Parthiban
 21. T.John Christopher
 22. R.Mariya Steepan
- ... Petitioners

VS.

1. Govindaraj, I.A.S.,
District Collector,
Tiruppur District,
Tirupur.

2. Paul Raj,
Block Development Officer,
Village Panchayat (V.P),
Tiruppur, Tiruppur District.

3. Manivannan,
Block Development Officer,
Block Panchayat (B.P),
Tiruppur, Tiruppur District.

4. Sampath,
Project Director (Rural Development),
Town Panchayat,
Tiruppur District.

5. K.V.Ramadevei,
District Treasury Officer,
Tiruppur.

... 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.26103 of 2010, dated 26.11.2010.**

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

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

ORDER

This Contempt Petition is filed alleging willful disobedience of the order dated **26.11.2010** passed by this Court in **W.P.No.26103 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.2073 of 2013** and the same was allowed in favour of the Government by a Division Bench of this Court vide common judgment dated **08.07.2015**.

3. In view of the submissions of the learned Additional Government Pleader appearing for the Respondents, Contempt will not lie against the order passed in W.P.No.26103 of 2010.

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. 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, it is open to the Petitioners to work out their remedy in the manner known to law.

aeb/jas

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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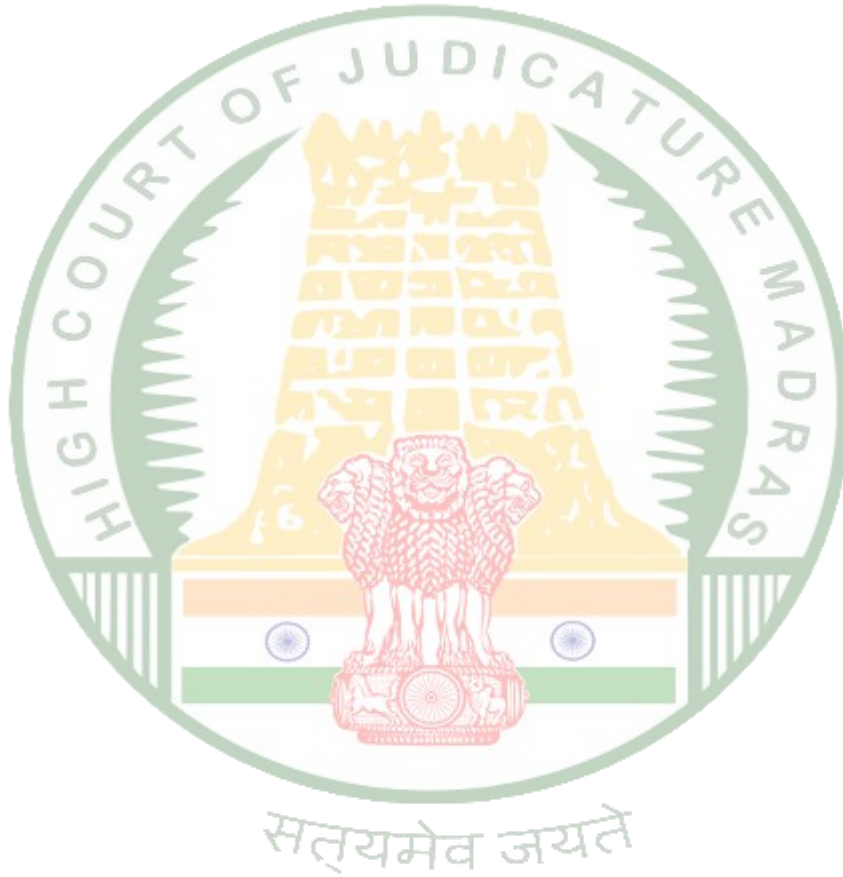
SMI/06/11/2020

To

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The Block Development Officer,
Village Panchayat (V.P),
Tiruppur, Tiruppur District.
3. The Block Development Officer,
Block Panchayat (B.P),
Tiruppur, Tiruppur District.

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4. The Project Director (Rural Development),
Town Panchayat,
Tiruppur District.
5. The District Treasury Officer,
Tiruppur.



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