

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Contempt Petition No.924 of 2018

Thangam Ambrose

... Petitioner

VS.

K.Bhaskaran, IAS,
Director of Rural Development and Panchayat Raj,
Panagal Buildings,
Saidapet, Chennai – 600 015.

... Respondent

Contempt Petition filed under Order 11 of the Contempt of Courts Act, 1971, praying to punish the Respondent herein for willfully disobeying the order of this Court in **W.P.No.14163 of 2008, dated 18.08.2014.**

For Petitioner : Mr.K.Venkataramani,
Senior Counsel
for Mr.M.Muthappan

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

ORDER

This Contempt Petition is filed alleging willful disobedience of the order dated **18.08.2014** passed by this Court in **W.P.No.14163 of 2008.**

2. When the matter is taken up for hearing today, it is represented by the learned Additional Government Pleader appearing for the Respondent that, the order under contempt was challenged in **W.A.No.1504 of 2015** and the same was dismissed by a Division Bench of this Court vide judgment dated **12.07.2017**.

3. In view of the submissions of the learned Additional Government Pleader appearing for the Respondent, Contempt will not lie against the order passed in **W.P.No.14163 of 2008**.

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 Petitioner to work out his 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

The Director of Rural Development and Panchayat Raj,
Panagal Buildings,
Saidapet, Chennai – 600 015.