

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 25.09.2020**

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

**Contempt Petition No.1417 of 2014**

A.Singamuthu

... Petitioner

VS.

S.Murugaiah, I.A.S,  
Inspector General of Registration,  
Santhome High Road,  
Chennai.

... 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.26702 of 2010, dated 26.11.2010.**

For Petitioner

सत्यमेव जयते  
: Mr.K.Sanjay

For Respondent

: Mr.T.M.Pappaiah  
Special 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.26702 of 2010.**

2. When the matter is taken up for hearing today, it is represented by the learned counsel for the Petitioner that, the order under contempt has been taken upto the **Supreme Court in Civil Appeal No.3770 of 2017** and the said Appeal was allowed vide judgment **dated 07.03.2017**.

3. In view of the submissions of the learned counsel for the Petitioner that, the Supreme Court has allowed the Civil Appeal filed against the order under contempt, 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 Petitioner is aggrieved, it is open to him 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/29.10.2020

To

The Inspector General of Registration,  
Santhome High Road,  
Chennai.

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