



WEB COPY



Cont.P.No.2031 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
**DATED: 22.09.2023**

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**THE HON'BLE JUSTICE S.VAIDYANATHAN**

**Contempt Petition No.2031 of 2023**  
**in W.P.No.1251 of 2021**

1. G.Sam William Carter
2. K.Suresh
3. M.Kulothungan
4. G.Dhanachezhiyan

... Petitioners

-VS-

1. Mrs.P.Amudha, I.A.S.,  
The Government of Tamilnadu  
Secretary to Government,  
Home Department, Fort St.George,  
Chennai-600 009.
2. Mr.Shankar Jiwal, I.P.S.,  
The Director General of Police,  
Law & Order, Chennai-600 004.
3. Mr.Sandeep Rai Rathore, I.P.S.,  
The Commissioner of Police,  
Chennai City, Veppery,  
Chennai.

... Respondents/R1 to R3

Prayer: Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the Respondents for their wilful and intentional disobedience of the order passed by this Court in W.P.No.1251 of 2021 dated 03.03.2021.

For Petitioners : M/s.G.Bala and Daisy



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For Respondents : Mr.Silambanan,  
Additional Advocate General  
Assisted by Mrs.V.Yamuna Devi  
Spl.Govt.Pleader

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### **ORDER**

This contempt petition has been filed for punishing the respondents for having not obeyed the order of this Court dated 03.03.2021 passed in W.P.No.1251 of 2021.

2. When the matter is taken up for hearing, it is represented by both the petitioner and the learned Additional Advocate General appearing for the respondents that against the order passed in the Writ Petition, a Writ Appeal has been preferred along with a petition for condoning the delay. It is further represented that the delay has been condoned and the Writ Appeal has been numbered.

3. In view of the above submissions, the present Contempt Petition cannot be adjudicated before this Court on the principle of Doctrine of Merger in terms of the judgments of the Supreme Court in the case of **Kunhayammed & Others -vs- State of Kerala & Another, (2000 (6)**



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**SCC 359) and Dineshan, K.K. vs. R.K.Singh and another, [(2014) 16**

**SCC 88]**. Hence, this Contempt Petition is closed with liberty to the petitioners to work out their remedy, depending upon the outcome in the Writ Appeal.

**22.09.2023**

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To:

1. Mrs.P.Amudha, I.A.S.,  
The Government of Tamilnadu  
Secretary to Government,  
Home Department, Fort St.George,  
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**S.VAIDYANATHAN,J.,**  
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**22.09.2023**