

W.M.P.No.33874 of 2016

and

W.P.No.868 of 2012

T.S.SIVAGNANAM,J.

Heard Mr.R.Bharathkumar, learned counsel for the petitioner, Mr.Abishek Jenasean learned counsel appearing for the first respondent/writ petitioner and Mr.K.J.Sivakumar, learned Government Advocate appearing for the second respondent.

2.The first respondent herein filed a writ petition praying for issuance of writ of Declaration declaring the cancellation of the Deed of Sale dated 22.08.1994 registered as Document No.4950 of 1994 on the file of the Sub-Registrar, Ambattur as null and void. The sale deed was executed in favour of the first respondent/writ petitioner by third respondent herein, who is the son of the original owner Ethirajalu Naidu, the second respondent herein.

3.It appears that Ethirajalu Naidu, who was impleaded as second respondent in the writ petition died as early as in the year 2002. This according to the petitioner is because of the fact that the name of the said Ethirajalu Naidu alone was reflected in the Encumbrance Certificate and on coming to

know that he is no more, his son Sriramulu Naidu was substituted in his place and impleaded as third respondent vide order dated 19.03.2014.

4.The writ petition was filed on the ground that the said Eithirajulu Naidu had no power to unilaterally cancel the sale deed executed in favour of the petitioner, that too, on 22.08.1994. The Court by following the decision of the Full Bench in the case of *Latif Estate Line India Limited vs. Mrs.Hadeeja Ammal and others* reported in **2011 (2) CTC 1** allowed the writ petition declaring the cancellation of the deed of sale dated 22.08.1994 as null and void.

5.This petition has been filed by the another son of the said Eithirajulu Naidu, by name, E.Kannan stating that the Ethirajalu Naidu was not empowered to execute a Power of Attorney in favour of only one son, namely, Sriramulu and therefore, he seek to intervene in the proceedings.

6.In the considered view of this Court, the petitioner has not made any ground to intervene in the proceedings, that too, after the writ petition has been disposed of by seeking to setting aside the order in the writ petition and if at all, the petitioner has any grievance it should be against his own brother,

sister or mother, but that hardly cannot be a reason to set aside the order in the writ petition. Accordingly, this petition is dismissed. However, this will not impede the petitioner's right to work out his remedy in accordance with law against other legal heirs of the said Eithrajulu Naidu.

15.11.2016

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