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W.M.P.No.29060 of 2024  
in W.P.No.23054 of 2024

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THE HON'BLE CHIEF JUSTICE  
and  
SENTHILKUMAR RAMAMOORTHY,J.

(Order of the Court was made by the Hon'ble Chief Justice)

This application, though not listed, is taken up for hearing by consent.

2. Applicant seeks to implead himself as a respondent in the writ petition. Applicant claims to be the brother of petitioner and states that he also has a share in the property, which is the subject matter of the order passed by the Recovery Officer, which is impugned in the petition.

3. Sri.Sridevan submitted that the challenge to the orders passed by the Recovery Officer on 14.11.2014, 14.08.2015 and 11.05.2017 are all on the basis that the said Recovery Officer has no jurisdiction to pass such orders of directing the property to be divided by metes and bounds. Sri.Sridevan submits that by passing such an order, the Recovery Officer



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has effectively decided which part of the property should go to petitioner.

4. We have also considered the application and we agree with the submission made by Mr.Sridevan.

5. Since applicant claims to be entitled to a share in the property and the Recovery Officer has not decided that issue, in our view, applicant is not a proper or necessary party to the petition.

6. If applicant is aggrieved by any of the orders passed by the Recovery Officer, applicant may impugn the same independently. We make no observation thereof. The Court will consider such a challenge independently on merits.

W.M.P. is dismissed.

**(K.R.SHRIRAM., C.J.)**

**(SENTHILKUMARAMAMOORTHY, J.)**

13.11.2024

sra



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