

Chief Justice's Court

Case :- WRIT - C No. - 35453 of 2023

Petitioner :- Neha Mishra

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Chandrika Patel

Counsel for Respondent :- C.S.C., Mohd. Afzal

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

Heard Ms. Chandrika Patel, learned counsel for the petitioner and learned Standing Counsel representing the State-respondent nos. 1 and 2 and Mohd. Afzal, learned counsel has put in appearance on behalf of the respondent No. 4.

The petitioner seeks issuance of Writ of Mandamus directing the respondent No.2, District Magistrate, Gautam Buddha Nagar, to take appropriate action for executing the recovery certificate bearing No. 1172/UPRERA/RO/Recovery/2022-23 dated 24.6.2022. It has been submitted by the petitioner that the recovery certificate against the Respondent No. 3 was issued as far back on 24.6.2022 but the same has not been executed by the District Magistrate, Gautam Buddha Nagar, so far and the petitioner is being denied the fruits of the order of RERA Authorities, which was passed in his favour on 25.7.2019 and 17.12.2021.

Learned Standing Counsel representing the State-respondents submits that no fruitful purpose would be served by keeping the writ petition pending and the same can be disposed of directing the respondent No. 2 to proceed with the recovery certificate.

On perusal of the order-sheet, we find that the respondent No. 3 against whom the recovery certificate is sought to be enforced has not been noticed. However, since we intend to dispose of the writ petition finally, the notice upon the Respondent No. 3 is dispensed with.

In view of the above, the writ petition is finally ***disposed off*** with a direction to the respondent No. 2, District Magistrate, Gautam Buddha Nagar, to make all endeavour to execute the recovery certificate dated 24.6.2022, which has been issued for recovery of Rs.42,74,468.50, as expeditiously as possible, preferably within a period of two months of serving a certified copy of this order upon him, if there is no other legal impediment.

Order Date :- 12.10.2023

Ravi Prakash

(Ashutosh Srivastava, J.)

(Pritinker Diwaker, CJ.)