Chief Justice's Court
Case :- WRIT - C No. - 36228 of 2023
Petitioner :- Surbhi Berry And Another
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Yashaswi Pathak,Eshita Sand
Counsel for Respondent :- C.S.C.,Mohd. Afzal

Hon'ble Pritinker Diwaker,Chief Justice
Hon'ble Ashutosh Srivastava,J.

Heard learned counsel for the petitioners and learned Standing Counsel representing the State-respondent nos. 1 and 3 and Shri Mohd. Afzal, learned counsel has put in appearance on behalf of the respondent No. 2.

The petitioner seeks issuance of Writ of Mandamus directing the respondent No. 3-District Magistrate, Gautam Buddh Nagar to take appropriate action for executing the recovery certificate dated 3.5.2023. It has been submitted by the petitioner that the recovery certificate against the Respondent No. 4 was issued as far back on 3.5.2023 but the same has not been executed by the Collector, 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 22.6.2022.

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. 3 to proceed with the recovery certificate.

On perusal of the order-sheet, we find that the respondent No. 4 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. 4 is dispensed with.

In view of the above, the writ petition is finally ***disposed of*** with a direction to the respondent No. 3, District Magistrate, Gautam Buddha Nagar, to make all endeavour to execute the recovery certificate dated 3.5.2023 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 :- 18.10.2023
Deepak/

(Ashutosh Srivastava,J.) (Pritinker Diwaker,CJ.)

Digitally signed by :-
DEEPAK KUMAR KUSHWAHA
High Court of Judicature at Allahabad