

Chief Justice's Court

Case :- WRIT - C No. - 36467 of 2023

Petitioner :- Smt. Manju Sinha And Another

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

Counsel for Petitioner :- Grijesh Tiwari

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

Hon'ble Pritinker Diwaker,Chief Justice

Hon'ble Ajay Bhanot,J.

1. Heard learned counsel for the petitioner, learned Standing Counsel representing Respondent Nos.1 and 3 and Sri Mohd. Afzal, learned counsel, who has put in appearance on behalf of Respondent No. 2.
2. The petitioners seek issuance of writ of mandamus directing Respondent No.3, District Magistrate to take appropriate action for executing the recovery certificate dated 19.01.2023. It has been submitted by the petitioners that the recovery certificate against Respondent No. 4 was issued as far back as on 19.01.2023, but the same has not been executed by the District Magistrate so far and the petitioners are being denied fruits of the order of RERA Authorities passed in his favour on 22.06.2022.
3. Learned Standing Counsel representing Respondent Nos.1 and 3 submits that no fruitful purpose would be served by keeping the writ petition pending and the same can be disposed of directing the District Magistrate to proceed with the execution of the recovery certificate.
4. Having regard to the above submissions, we dispense with the service of notice upon Respondent No.4 and dispose of the writ petition with direction to respondent-District Magistrate to make serious endeavour to execute recovery certificate dated 19.01.2023 as expeditiously as possible, preferably within a period of two months of serving a certified copy of this order upon him, provided there is no legal impediment. In case, there is any legal impediment, the District Magistrate will pass a speaking order within two weeks from the date of receipt of a true attested copy of the instant order.

Order Date :- 19.10.2023

Brijesh Maurya/Dhananjay

(Ajay Bhanot,J.) (Pritinker Diwaker,CJ.)