Chief Justice's Court

Case :- WRIT - C No. - 37400 of 2023

Petitioner :- Smt. Bhurvi Agarwal
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Ajay Kumar Sharma
Counsel for Respondent :- C.S.C.,Mohd. Afzal

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

Heard Shri Ajay Kumar Sharma, 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 15.12.2022. It has been submitted by the petitioner that the recovery certificate against the Respondent No. 4 was issued as far back on 15.12.2022 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 14.02.2022.

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 15.12.2022 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 :- 31.10.2023
pks

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

Digitally signed by :-
PAWAN KUMAR SINGH
High Court of Judicature at Allahabad