

Chief Justice's Court

Case :- WRIT - C No. - 38356 of 2023

Petitioner :- Mange Ram

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

Counsel for Petitioner :- Sharad Chand Rai, Manish Singh

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

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

Heard learned counsel for the petitioner and learned Standing Counsel representing the respondent No.1 & 2. Sri Mohd. Afzal, learned counsel has put in appearance on behalf of the respondent No.3.

Learned counsel for the petitioner submits that under an agreement dated 31.12.2013, entered between the petitioner and the respondent no. 4, for allotment of shop in Omaxe Connanght Place, Beta-2, Greater Noida, measuring an area of 157.48 Square meters the petitioner paid Rs. 18,76,995/- through cheque to the respondent no. 4.

He further submits that as per agreement the possession of the shop was to be handed over to the petitioner till 2015 but till date neither the possession has been delivered nor the money has been refunded to the petitioner by the respondent no. 4. Thereafter, the petitioner filed a complaint bearing No. NCR 144/06/095466/2022 (Mangeram Vs. Omax Ltd.) before the U.P. Real Estate Regulatory Authority. The said complaint has been rejected by the Chairman, U.P. Real Estate Regulatory Authority, Regional Office, Gautam Budh Nagar, vide order dated 10.01.2023 on the ground that the respondent no. 4 has obtained the completion certificate on 27.10.2016 and RERA lacked the jurisdiction to entertain the complaint.

Learned counsel for the petitioner after arguing at some length submits that he has already moved a representation dated 03.08.2023, before the respondent no. 2 i.e. District Magistrate, Gautam Budh Nagar, and the same is still pending consideration and the purpose of filing this writ petition would be served if the directions are issued to the respondent No. 2 to pass appropriate orders on the pending representation of the petitioner.

Learned counsel appearing for the respondents submit that they have no objection to the aforesaid proposition.

Considering the submissions advanced, this Court is of the opinion that no useful purpose would be served by keeping the writ petition pending and the same is accordingly, ***disposed of*** expecting the respondent No. 2 i.e. District Magistrate, Gautam Budh Nagar, seized with the representation of the petitioner dated 03.08.2023, to pass appropriate orders thereon, after considering all aspects of the matter, strictly in accordance with law, preferably within a period of two months from the date of service of a certified copy of this order.

Needless to say that this Court has not expressed any opinion on the merits of the case and it shall be open for the respondent No. 2 i.e. District Magistrate, Gautam Budh Nagar to pass appropriate orders.

Order Date :- 7.11.2023

Deepak/

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