Court No. - 21

Case :- WRIT - C No. - 39292 of 2023

Petitioner :- Brajendra Nath And Another
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Ashish Mishra,Mohd. Arish
Counsel for Respondent :- C.S.C.,Mohd. Afzal

Hon'ble Manoj Kumar Gupta,J.
Hon'ble Donadi Ramesh,J.

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

2. The petitioners seek issuance of a writ of mandamus directing respondent No.2, District Magistrate to take appropriate action for executing the recovery certificate dated 21.01.2023. It has been submitted by the petitioners that the recovery certificate against respondent No.4 was issued as far back as on 21.01.2023, but the same has not been executed by the District Magistrate so far and the petitioners are being denied the fruits of the order of RERA Authorities passed in favour of the petitioners on 01.07.2022.

3. Learned Standing Counsel representing 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 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 endeavor to execute recovery certificate dated 21.01.2023 as expeditiously as possible preferably within a period of two months 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.

5. The petition stands disposed of.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, J.)

Order Date :- 16.11.2023/Noman

Digitally signed by :-
NOMAN AHMAD
High Court of Judicature at Allahabad