

Court No. - 2

Case :- WRIT - C No. - 1251 of 2023

Petitioner :- Satyabrata Rao

Respondent :- State Of U.P. Thru. Prin. Secy. Housing And Urban Planning Department.Govt.U.P.Civil Sectr. Lko. And Ors

Counsel for Petitioner :- Abhishek Khare,Aahuti Agarwal

Counsel for Respondent :- C.S.C.,Shobhit Mohan Shukla

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Neeraj Tiwari,J.

1. Heard Ms. Aahuti Agarwal learned counsel for the petitioner and Sri Azhar Ikram, learned Standing Counsel representing the respondent Nos.1 and 2. Sri Shobhit Mohan Shukla has accepted notice on behalf of respondent No.3.

2. The petitioner seeks issuance of writ of mandamus directing respondent No.2, District Magistrate to take appropriate action for executing the recovery certificate dated 03/11/2021. It has been submitted by the petitioner that the recovery certificate against respondent No.4 was issued as far back as on 03/11/2021, but the same has not been executed by the District Magistrate, so far and the petitioner is being denied the fruits of the order of Uttar Pradesh Real Estate Regulatory Authority, passed in favour of the petitioner on 30/01/2021.

3. Learned Standing Counsel representing respondents 1 and 2 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 03/11/2021 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.

Order Date :- 27.10.2023

skv

(Neeraj Tiwari, J.)

(Manoj Kumar Gupta, J.)