

Court No. - 2

Case :- WRIT - C No. - 5669 of 2024

Petitioner :- Amit Yadav

Respondent :- State Of U.P. Thru. Its Addl. Chief Secy. /
Prin.Secy. Housing And Urban Palnning , Lko. And Others

Counsel for Petitioner :- Abhishek Yadav

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

Hon'ble Alok Mathur,J.

Hon'ble Arun Kumar Singh Deshwal,J.

Heard Shri Abhishek Yadav, learned counsel for the petitioner as well as learned Standing Counsel for respondent Nos. 1 & 2 and Sri Manoj Kumar Chaurasiya, Advocate holding brief of Sri Shobhit Mohan Shukla, learned counsel for respondent No. 3.

The petitioner is a home buyer/allottee and is aggrieved by the action of the respondents in not giving effect to the order passed by the respondent No. 3 dated 26.11.2019/ whereby and whereunder the promoter respondent No. 4 directed to refund an amount along with interest within a period of 45 days.

It is contended by learned counsel for the petitioner that despite the orders having been passed as far back on 26.11.209, and the recovery certificate No. 9468/UP/RERA/Recovery/2023-24 dated 21.07.2023 having been issued for recovery of the amount directed by the Adjudicating Officer, U.P. RERA, the petitioner has yet not received the fruits of the order passed in his favour. Further the petitioner has made representation dated 06.04.2024 before respondent No. 2 for execution of recovery certificate having No. 9468/UP/RERA/Recovery/2023-24 dated 21.07.2023.

It has been submitted by the petitioner that the recovery certificate against respondent No. 4 was issued as far back as on 21.07.2023 but the same has not been executed by the respondent No. 2-District Magistrate, Lucknow, so far and the petitioner is being denied the fruits of the order of RERA Authorities, which was passed in his favour on 26.11.2019.

Learned counsel representing respondent Nos. 2 & 3 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. 2 to proceed with the recovery certificate.

In view of the above, the writ petition is finally disposed of with a direction to the respondent No.2, District Magistrate, Lucknow to make all endeavour to execute the recovery certificate dated 21.07.2023, 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.

(Arun Kumar Singh Deshwal,J.) (Alok Mathur, J.)

Order Date :- 28.6.2024

Ravi/