



CWP-23915-2024

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23915-2024Date of decision: 23.09.2024

Prabhakara Kankanady and another

....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Dilpreet Singh Gandhi, Advocate,
for the petitioners.

Mr. Ankur Mittal, Advocate, and
Ms. Saanvi Singla, Advocate,
for respondent No.2.

ARUN PALLI, J. (Oral)

The petitioners have prayed for the following substantive relief:

“Civil Writ Petition under Articles 226/227 of the Constitution of India, 1950 for issuance of appropriate writ, order or direction, especially in the nature of Mandamus directing Respondent No.3 and 4 to implement/comply with order so passed by the Ld. Haryana Real Estate Regulatory Authority, Gurugram, on 12.02.2024 in E 4313/2023/ 4174/2020 (Annexure P-2) titled “Group Captain Prabhakara Kankanady and another Vs. ATS Real Estate Builders Private Limited” whereby the Ld. Authority/Respondent No.2 has directed Respondent No.4 to execute the order so passed by the Ld. Forum and the recovery certificate dated 02.05.2024 (Annexure P-3) has been issued by the Ld. Adjudicating Officer of the Ld. Authority.

AND



CWP-23915-2024

-2-

Further issuance of an appropriate Writ, Order or Direction to Respondent No.2 to initiate proceedings under S.63 of the Act of 2016 and/or other relevant provisions against the Builder for non-compliance of the order passed by the Ld. Authority.”

Served with the advance copy of the petition, Mr. Ankur Mittal, Advocate, had caused appearance on behalf of respondent No.2, on 19.09.2024, and prayed for time to seek instructions. As also to furnish a specific affidavit as regards the concerns/grievances that are sought to be raised in the petition. Accordingly, today, he has shared with us a copy of the communication by Haryana Real Estate Regulatory Adjudicating Officer, Gurugram, (retained on record as Mark X) wherein, it is indicated that execution proceedings were initiated on 30.10.2023, but, no objections were filed by the judgment debtor. Accordingly, on 12.02.2024, the Account Officer was required to prepare the recovery certificate, which was issued on 02.05.2024. Further, in the wake of the circular issued by the Chief Secretary, Government of Haryana (notification No.50/15/2024-5s[1], dated 11.05.2024), all the recovery certificates issued to the Collector concerned have since been withdrawn, for the powers that were initially conferred upon the Collector(s) have now been conferred upon the Adjudicating Officer(s). And, the execution proceedings are now pending for 26.09.2024. Thus, it is submitted that, as the executing agency has taken decisive steps, as indicated above, nothing substantive survives in the petition, for the present, and the same be disposed of, as such, to enable it to proceed with the matter.



That being so, learned counsel for the petitioners submits that let the petition be disposed of, in terms of the statements made by learned counsel for respondent No.2. However, in the event, the decree is not executed within a reasonable time or any grievance of the petitioners remains unaddressed or any cause of action arises in future, they shall take recourse to the remedies, as shall be admissible in law, including filing a fresh petition.

Ordered accordingly.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

23.09.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No