

**Court No. - 29**

**Case :-** WRIT - C No. - 27643 of 2021

**Petitioner :-** Raghiv Husain Abidi And Another

**Respondent :-** State Of U.P. And 4 Others

**Counsel for Petitioner :-** Syed Mohammad Abbas Abdy

**Counsel for Respondent :-** C.S.C., Wasim Masood

**Hon'ble Pritinker Diwaker, J.**

**Hon'ble Ashutosh Srivastava, J.**

Heard Shri Syed Mohammad Abbas Abdy, learned counsel for the petitioners and learned Standing Counsel representing the respondents No.1, 2 & 4. Shri Wasim Masood, learned counsel has put in appearance on behalf of the Respondent No.3.

The petitioner seeks issuance of Writ of Mandamus directing the respondent No.4, District Magistrate, Gautam Budh Nagar to take appropriate action for executing the recovery certificate dated 16.2.2021 in Complaint No.12201826481 (Raghiv Husain Abidi Vs. M/s Future World Green Homes Pvt. Ltd.). It has been submitted by the petitioner that the recovery certificate against the respondent No.5 was issued as far back on 16.2.2021, but the same has not been executed by the District Magistrate, Gautam Budh Nagar, so far and the petitioner is being denied the fruits of the order of RERA Authorities, which was passed in his favour on 21.5.2019.

Learned Standing Counsel representing the respondent Nos. 1, 2 and 4 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.4 to proceed with the recovery certificate.

On perusal of the order-sheet, we find that the respondent No.5 against whom the recovery certificate is sought to be enforced has not been noticed. However, since we intend to dispose of the writ petition finally, the notice upon the respondent No.5 is dispensed with.

In view of the above, the writ petition is finally disposed off with a direction to the respondent No.4, District Magistrate, Gautam Budh Nagar, to make all endeavour to execute the recovery certificate dated 16.2.2021, which has been issued for recovery of Rs.24,52,581.49, as expeditiously as possible, preferably within a period of one month of serving a certified copy of this order upon him, if there is no other legal impediment.

**Order Date :-** 17.11.2021

Ravi Prakash