

Chief Justice's Court

Case :- WRIT - C No. - 29007 of 2023

Petitioner :- Divij Kalra

Respondent :- U. P Real Estate Regulatory Authority And 2 Others

Counsel for Petitioner :- Shambhavi Nandan

Counsel for Respondent :- C.S.C.,Mohd. Afzal

Hon'ble Pritinker Diwaker,Chief Justice

Hon'ble Ashutosh Srivastava,J.

Heard Shri learned counsel for the petitioner and learned Standing Counsel representing the respondents No. 2. Sri Mohd. Afzal, learned counsel has put in appearance on behalf of the Respondent No.1.

The petitioner seeks issuance of writ of mandamus directing the respondent No.2, Collector, Gautam Budh Nagar to take appropriate action for executing the recovery certificate dated 25.02.2023 in Complaint No. NCR144/01/0010/2020. It has been submitted by the petitioner that the recovery certificate against the respondent No.3 was issued as far back on 25.02.2023, but the same has not been executed by the Collector, 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 26.08.2022.

Learned Standing Counsel representing the respondent No. 2 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.

On perusal of the order-sheet, we find that the respondent No. 3 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.3 is dispensed with.

In view of the above, the writ petition is finally ***disposed off*** with a direction to the respondent No.2, District Magistrate, District-Gautam Budh Nagar, to make all endeavour to execute the recovery certificate dated 25.02.2023, which has been issued for recovery of Rs.81,69,995.47 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.

Order Date :- 27.9.2023

Deepak/

(Ashutosh Srivastava,J.) (Pritinker Diwaker,CJ.)