

Court No. - 21

Case :- WRIT - C No. - 38780 of 2022

Petitioner :- Dhruva Choudhary

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Nikhil Kumar, Prashant Kanha

Counsel for Respondent :- CSC, Wasim Masood

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Jayant Banerji, J.

Heard Sri Nikhil Kumar learned counsel for the petitioner and learned Standing Counsel representing the respondent Nos.1 and 3. Sri Wasim Masood has accepted notice on behalf of respondent No. 2.

The petitioner seeks issuance of writ of mandamus directing respondent No.2, to take appropriate action for executing the recovery certificate dated 7.7.2021. It has been submitted by the petitioner that the recovery certificate against respondent No.4 was issued as far back as on 7.7.2021, 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 RERA Authorities passed in favour of the petitioner on 10.12.2020.

Learned Standing Counsel representing respondents 1 and 3 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.

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 7.7.2021 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.

The petition stands disposed of.

Order Date :- 19.12.2022

skv

(Jayant Banerji J.) (Manoj Kumar Gupta, J.)