

Court No. - 29

Case :- WRIT - C No. - 2019 of 2022

Petitioner :- Shri Sranish Kapoor And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Tushar Pandey, Vivek Kumar
Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Pritinker Diwaker, J.

Hon'ble Dr. Yogendra Kumar Srivastava, J.

Sri Aman Singhania, learned counsel for the petitioners through video conferencing and learned Standing Counsel for the State-respondents.

The petitioners seek issuance of Writ of Mandamus directing the Respondent No.2, District Magistrate, Gautam Budh Nagar, to take appropriate action for executing the Recovery Certificate bearing No. 831 dated 05.08.2021 and Recovery Certificate bearing No. 569 dated 08.09.2020.

It has been submitted by the petitioners that the recovery certificates against the Respondent No. 3 were issued as far back on 05.08.2021 and 08.09.2020 but the same has not been executed by the District Magistrate, Gautam Budh Nagar, so far and the petitioners are being denied the fruits of the order of RERA Authorities, which was passed in their favour on 27.08.2019 & 23.12.2019.

Learned Standing Counsel representing the respondent Nos. 1 and 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, Gautam Buddha Nagar, to make all endeavour to execute the recovery certificate dated 05.08.2021, which has been issued for recovery of Rs. 1,08,91,875/- and recovery certificate dated 08.09.2020, which has been issued for recovery of Rs.

66,91,518/- as expeditiously as possible, preferably within a period of three months of serving a certified copy of this order upon him, if there is no other legal impediment.

Order Date :- 9.2.2022

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(Dr. Yogendra Kumar Srivastava,J.)

(Pritinker Diwaker,J.)