

(2023) 10 MP CK 0044
In the Madhya Pradesh High Court
Case No : Writ Petition No. 25892 Of 2023

Kusum Gupta

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 10-10-2023

Acts Referred:

Constitution Of India, 1950 — Article 226

Madhya Pradesh Real Estate (Regulation And Development) Rules, 2017 — Rule 27

Madhya Pradesh Land Revenue Code 1959 — Section 155(c)

Citation : (2023) 10 MP CK 0044

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : Akshat Jain, Nilesh Singh Tomar

Final Decision : Disposed Of

Judgement

Anand Pathak, J

1. Petitioner preferred this petition under Article 226 of the Constitution of India seeking following reliefs:-

"1) Hon'ble Court may kindly be pleased to allow the present writ petition under Article 226 of the Constitution of India.

2) Hon'ble Court may kindly be pleased to direct respondent no.2 to implement the RRC dated 15.06.2021.

3) Hon'ble Court may kindly be pleased to direct respondent no.2 to recover the amount of RRC along with interest from respondents No.3 and 4.

4) Hon'ble Court may kindly be pleased to direct the recovered amount to be given to the petitioner.

5) Hon'ble Court may kindly be pleased to allow the cost of the petition."

2. Learned counsel for the petitioner confined his arguments to the extent that

after passing of the award dated 3.11.2020 (Annexure P-2) by Real Estate Regulatory Authority (RERA), Revenue Recovery Certificate dated 15.06.2021 has been issued for execution of the award. Execution is to be carried out by Collector, District Gwalior as per the scheme of Real Estate (Regulation and Development) Act 2016 read with Rules 27 of Madhya Pradesh Real Estate (Regulation and Development) Rules 2017 read with Section 155 (c) of Madhya Pradesh Land Revenue Code 1959. He seeks early consideration of his case for realization of dues as per award passed and Revenue Recovery Certificate issued by concerned authority.

3. Learned counsel for the respondents/State fairly submits that Collector/ Additional Collector, District Gwalior shall take care of the award and Revenue Recovery Certificate in accordance with law.

4. Heard the counsel for the parties and perused the documents appended thereto.

5. Considering the submissions, this petition is disposed of with direction that respondent/Collector shall take care of the fact that RERA is a beneficial legislation meant for benefits of victims of real estate transactions and therefore, it is imperative that they be suitably compensated and awards are realized within time frame therefore, it is directed that award dated 1.07.2020 & 3.11.2020 and revenue recovery certificate dated 15.06.2021 issued in pursuance to award be taken care of by Collector, District Gwalior as per law and shall ensure the consequential follow up action without any delay at expeditious note so that the victim of real estate transactions may get respite and return of their money within reasonable time. Here expression "Expeditious Note" connotes four months towards outer limit from the date of intimation of this order or as per time limit if any, prescribed by relevant statute.

6. With the aforesaid directions, petition stands disposed of.