

(2023) 10 MP CK 0002
In the Madhya Pradesh High Court
Case No : Writ Petition No. 24915 Of 2023

Rishi Mishra

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 03-10-2023

Acts Referred:

Constitution Of India, 1950 — Article 226
Madhya Pradesh Real Estate (Regulation And Development) Rules, 2017 — Rules 27
Madhya Pradesh Land Revenue Code, 1959 — Section 155(c)

Citation : (2023) 10 MP CK 0002

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : Somyadeep Dwivedi, Ravindra Dixit

Final Decision : Disposed Of

Judgement

Anand Pathak, J

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

"a). Kindly direct respondent No.1 to 3 to ensure recovery of money of the petitioner in terms of Revenue Recovery Certificate (Annexure P/5) expeditiously.

b) Kindly direct respondent No.4 to pay additional amount calculable at the rate of 8% per annum on amount of Rs.14,23,709 due to expiry one further year after issuance of RRC.

c) Cost of the petition may kindly be awarded and

d) Any other relief may be given which this Hon'ble Court may deem fit in the facts and circumstances of the case."

2. Learned counsel for the petitioner confined his arguments to the extent that after passing of the award dated 31.08.2020 (Annexure P-3) by Real Estate Regulatory Authority (RERA), Revenue Recovery Certificate dated 23.08.2022

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. Joint Collector, Gwalior has already directed Tehsildar to effect recovery in terms of RRC vide his letter dated 10.07.2023.

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 31.08.2020 and revenue recovery certificate dated 23.08.2022 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.