

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 8th OF MAY, 2024

WRIT PETITION No. 11158 of 2024

BETWEEN:-

**PREETI NISHANT VAISHNAV W/O NISHANT
VAISHNAV, AGED ABOUT 43 YEARS,
OCCUPATION: NON WORKING R/O RAGHUKUL
SHIVAJI CHOWK MOGHAT ROAD KHANDWA
DISTRICT KHANDWA NEEMTAAL FRONT OF
KATARE STONE CHURCH VIDHISHA (MADHYA
PRADESH)**

.....PETITIONER

(BY MS. MADHAVI CHATURVEDI - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH
THROUGH PRINCIPAL SECRETARY
MANTRALAY VALLABH BHAWAN BHOPAL
(MADHYA PRADESH)**
- 2. COLLECTOR DISTRICT BHOPAL OLD
SECRETARIAT BHOPAL (MADHYA
PRADESH)**
- 3. THE OFFICE OF TEHSILDAR BHOPAL
DISTRICT BHOPAL (MADHYA PRADESH)**
- 4. ASIA PACIFIC REAL MART PVT. DIR
VIRENDRA SHRIVASTAVA A-35 AMALTAS
PHASE 1 CHUNNABHATTI BHOPAL
(MADHYA PRADESH)**
- 5. SAE INFRASTRUCTURE THR VIRENDRA
SHRIVASTAVA A-35 AMALTAS PHASE 1
CHUNNABHATTI BHOPAL (MADHYA
PRADESH)**

.....RESPONDENTS

(SHRI SWAPNIL GANGULY – DT. AG FOR THE RESPONDENTS/ STATE)

This petition coming on for admission this day, the court passed the following:

ORDER

1. This petition under Article 226 of the Constitution of India has been filed seeking the following reliefs :-
 - (i) *That, the respondent no. 2 Collector, District Bhopal may kindly be issued a writ in the nature of mandamus directed to execute the Revenue Recovery Certificate dated 17.11.2022 (Annexure-P/2) within a period of 45 days.*
 - (ii) *That, any other relief which this Hon'ble High Court may deem fit, with cost of the petition.*
2. It is submitted by counsel for the petitioner that the petitioner had approached the RERA in case no. N-BPL-19-0797. The said application was allowed by order dated 3.1.2020 and the respondents no. 4 and 5 were directed to pay an amount of Rs.2,04,315/- with 8% interest as well as cost of Rs.10,000/-. Since the amount was not paid, therefore, RERA had also issued RRC on 17.11.2022 which is addressed to the Collector, Bhopal. It is submitted that the said RRC is still awaiting execution and accordingly, it is prayed that the Collector, Bhopal may be directed to execute RRC without any further delay preferably within a period of 45 days.
3. Per contra, petition is vehemently opposed by counsel for the State. It is submitted that in case, if RRC has not been executed and if there is no stay on execution of RRC and if RRC or order dated 3.1.2020 passed by

RERA in case no. N-BPL-19-0797, are intact, then the same shall be executed within a period of three months from today.

4. Considered the submissions made by counsel for the parties.
5. According to the petitioner, RRC issued by RERA is pending execution. Accordingly, it is directed that in case if RRC has not been executed so far and if there is no stay on execution of RRC / order dated 3.1.2020 and RRC as well as order dated 3.1.2020 are still intact, then Collector, Bhopal shall execute the same within a period of three months from today.
6. With aforesaid direction, petition is **finally disposed of**.

(G.S. AHLUWALIA)
JUDGE

JP