

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.23897 of 2016.

Date of Decision: January 11, 2017

Jagmohan Mehra

.....Petitioner

versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.**

Present: Mr.P.C.Singla, Advocate, for the petitioner.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioner-Industrial unit is admittedly located within 900 meter radius of the parapet wall of Ammunition Depot, 54 ASF, Air Force Station at Gurgaon. No construction is permissible within the radius of 900 meter keeping in view the mandatory safety measures. The petitioner's case is that a Committee constituted by the Government of India has recommended to reduce the permissible distance from 900 meters to 300 meters. On the basis of that report, the petitioner seeks two-fold relief, namely, (i) he may be permitted to renovate/repair the factory premises and (ii) a direction can be issued to the Government of India to notify the aforesaid report.

We are afraid that no such direction can be issued by a Writ-court to accept or reject the recommendations or to take and notify a new policy decision. So long as the Government of India does not accept those recommendations and carry-out necessary amendment in the statutory

provisions, the petitioner's factory admittedly falls within the prescribed distance of 900 meters. Hence, no permission can be accorded to him to carry out the repair/renovation.

However, if the Government of India accepts the recommendations and reduce the distance from 900 meter to 300 meter, the petitioner shall be at liberty to approach the Competent Authority to accord him the necessary sanction for carrying out the repair/renovation.

For the reasons afore-stated, the writ petition stands dismissed.

[SURYA KANT]
JUDGE

January 11, 2017
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[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No