

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-COM No.49 of 2017
Date of Decision:14.03.2017

Jagmohan Mehra and anotherPetitioners

VS.

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Diwan Sharma, Advocate for the petitioners.

Rakesh Kumar Jain (Oral)

The petitioners have prayed for issuance of a writ in the nature of mandamus directing the respondents to allot the plot No.344 measuring 988 sq. Meters and plot No.345 measuring 1208 sq. Meter in Phase IV Udhyog Vihar Gurgaon beyond 900 meters restricted zone which are lying vacant, in lieu of their existing plot No.29 Maruti Industrial Estate, Sector 18, Gurgaon measuring 2200 sq. Meters approximately of their factory, falling in the restricted zone of 900 meters, without charging any additional cost. It is also prayed that the respondents may also be directed to repurchase plot No.29 Maruti Industrial Estate Sector 18 Gurgaon at the present market value if the alternate plot Nos.344 and 345 cannot be offered.

The petitioners have made the aforesaid prayer but in the absence of any policy much less guidelines etc., issued by respondents No.1 and 2, no direction can be issued by this Court, while issuing a writ of mandamus because for the issuance of a writ of mandamus, it is incumbent upon the petitioners to prove their legal right and the corresponding duty of

the respondents which they are not performing. Hence, I do not find any reason to interfere in this petition and the same is thus hereby dismissed.

March 14, 2017
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(Rakesh Kumar Jain)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No