

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.20258 of 2020

Date of Decision:-27.11.2020

Sajinder Bhadana.

.....Petitioner.

Versus

The State of Haryana & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present:- Mr. Gaurav Gupta, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court]

Petitioner- Sajinder Bhadana has filed the present writ petition seeking issuance of a writ in the nature Mandamus for directing the respondents no 1 to 4 to restrain private respondents no 5 and 6 from raising illegal construction in view of Section 4 and 7 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963. As per petitioner, private respondents are raising construction in contravention to Section 7 of the Act, 1963.

Upon hearing the Counsel for the petitioner, we find that the present writ petition is not maintainable. “**Mandamus**” is a [judicial remedy](#) in the form of an order from a court to any government, subordinate court,

[corporation](#), or [public authority](#), to do (or forbear from doing) some specific act which that body is obliged under law to do (or refrain from doing), and which is in the nature of public duty, and in certain cases one of a statutory duty. It can only be issued in case the facts are not disputed and further if petitioner has no other alternative efficacious remedy available to him. In the present case, the petitioner is seeking an injunction from this Court by invoking Article 226 of the Constitution by pleading some disputed questions of fact, for which the Civil Courts under CPC are very well competent to adjudicate and decide. Mandamus cannot be typically granted if adequate relief can be obtained by some other means like through a civil suit.

In view of the above, the present writ petition is **dismissed** being not maintainable.

(JASWANT SINGH)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

November 27, 2020
Vinay

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