

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13960 of 2015

Date of Decision: 15.7.2015

Jesleen Papneja and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Chetan Mittal, Senior Advocate with
Mr. Abhinav Sood, Advocate and
Mr. Harsh Bunker, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Mandamus directing respondent No.5 to take final decision on the representation dated 25.11.2014 (Annexure P-6) of the petitioners for examining and conveying the actual land requirements for setting up Grid Sub Station in Sector 99-A, Gurgaon as per new/latest technology which required only 5 acres of land.

2. Petitioners No.1 to 4 are owners in possession of the land situated within the revenue estate of village Dhankot, Tehsil and District Gurgaon. Petitioner No.5 also holds either itself or through collaboration with other landowners, the land measuring 24.1563 acres in villages Dhankot and Gopalpur, Gurgaon which form part of Sector 99A, Gurgaon. Petitioners No.1 to 4 have entered into a collaboration

agreement dated 13.8.2012 with petitioner No.5 for development/urbanization of their land. They have also executed a General Power of Attorney dated 13.8.2012 in favour of petitioner No.5 for obtaining necessary approvals/licenses etc. from the authorities/Government for development of their land. State of Haryana published various Final Development Plans (FDP), i.e. FDP 2021, FDP 2025 and FDP 2031. Presently, the concern is in respect of Draft Final Development Plan-2031 AD. As per the FDP of Gurgaon Manesar Urban Complex, the area comprised in village Dhankot falls under Section 99-A which is a residential-cum-commercial sector. The said Draft Final Development Plan-2031 AD was published in the official gazette of Haryana Government on 4.9.2012 for calling objections/suggestions from the public. In pursuance thereto, petitioners No.1 to 4 submitted their written objections dated 6.9.2012 (Annexure P-3). State of Haryana issued a notification dated 15.11.2012 (Annexure P-4) for publishing the FDP-2031 AD for Gurgaon Manesar Urban Complex along with restrictions and conditions proposed to be made applicable to the controlled area without deciding the written objections filed by petitioners No.1 to 4. Petitioners No.1 to 4 through petitioner No.5 applied for grant of commercial licenses but the authorities raised an issue that a part of the area for which they applied for license was falling under the area earmarked/reserved for establishing an electricity Grid Sub Station in Sector 99-A, as per the FDP-2031 AD. According to the petitioners, the total area earmarked for Grid Sub Station in Sector 99-A is 15 acres whereas for the same only 5 acres land is required as per the latest technology. On 8.3.2013, a meeting was held under the Chairmanship of Director General, Town & Country Planning, Haryana to consider the

mechanism for land acquisition/purchase, construction, operation and maintenance of infrastructure network in the adjoining of Sector 99-A, i.e. for Sectors 81-95, Gurgaon along with planned 24 meter wide road network wherein the issue regarding requirement of sufficient area for establishment of 220 KV Sub Station was considered and the requirement of the land would be only 5 acres. Minutes of the meeting dated 8.3.2013 is Annexure P-5. Petitioner No.5 submitted a representation dated 25.11.2014 (Annexure P-6) for examining the land requirement for setting up of a Grid Sub Station in Sector 99-A under GMUC 2031 AD master plan, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved a representation dated 25.11.2014 (Annexure P-6), but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.5 to decide the representation dated 25.11.2014 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 15, 2015
gbs

(REKHA MITTAL)
JUDGE