

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 27220 of 2016

Date of Decision: 23.12.2016

Baljinder Singh and others

....Petitioners.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.  
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Sandeep Sharma, 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 respondents No.2 and 3 to decide their representations dated 15.3.2016 (Annexure P-10) and dated 15.6.2016 (Annexure P-11) in compliance with the order dated 1.7.2015 (Annexure P-9) passed by this Court in CWP No. 16390 of 2013 and release compensation to them for the partial acquisition of their lands for setting up MEDI City.

2. The petitioners were owners of the land situated in village Ferozepur Bangar, Tehsil Kharar, District Mohali. Government of India vide notification dated 3.3.2007 (Annexure P-1) issued under Sections 3 and 7 of the Works and Defence Act, 1903 declaring that no building or structure shall be constructed, created or erected or no tree shall be planted on any land within the limits of 1 meters from the crest of the outer parapet of the Indian Air Force Station and Installations and the said land was to be

kept vacant for the security reasons. Government of Punjab vide notification dated 6.4.2011 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by notification dated 23.11.2011 (Annexure P-3) under Section 6 of the Act acquired the land measuring 97.425 acres including the land of the petitioners for setting up MEDI City and ECO City. The award was passed on 22.12.2011 (Annexure P-4). The petitioners vide letter dated 6.1.2012 (Annexure P-5) requested respondent No.2 acquire the strip of the land as the same cannot be utilized for agricultural purposes due to non-availability of the source of water for irrigation. Thereafter, the petitioners sent a legal notice dated 13.1.2012 (Annexure P-6) to the Chief Administration, GMADA and respondent No.2 either to acquire the strip of the agricultural land or to de-acquire the whole acquired land for MEDI City. The petitioners sought an information under the Right to Information Act, 2005 as to whether the land acquisition has commenced or is under planning for ECO City and MEDI City and as to whether the land has been acquired or is under planning to be acquired right upto the boundary wall/fence of the Air Force Station (Mullanpur). In response thereto, respondent No.2 vide letter dated 2.4.2012 (Annexure P-7) informed the petitioners that the land measuring 419.9519 acres has been acquired for ECO City and 97.425 acres has been acquired for MEDI City. Thereafter, the petitioners filed CWP No. 16390 of 2013 on 27.7.2013 (Annexure P-8). This Court vide order dated 1.7.2015 (Annexure P-9) disposed of the said writ petition. In compliance with the order, Annexure P-9, the petitioners moved the representations dated 15.3.2016 (Annexure P-10) and dated 15.6.2016 (Annexure P-11) to respondents No.2 and 3 for the release of compensation for the damages

sustained by them for the partial acquisition of their lands, but to no effect. Thereafter, the petitioners send reminders dated 6.8.2016 (Annexures P-12 and P-13, respectively) to respondents No.2 and 3, but all in vain. Accordingly, the petitioners sent legal notices dated 23.9.2016 (Annexures P-14 and P-15, respectively) to respondents No.2 and 3, 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 sent the representations (Annexures P-10 and P-11, respectively), followed by the reminders dated 6.8.2016 (Annexures P-12 and P-13, respectively) and the legal notices dated 23.9.2016 (Annexure P-14 and P-15, respectively) to respondents No.2 and 3, 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.3 to take a decision on the representation dated 15.6.2016 (Annexure P-11), 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**

**December 23, 2016**  
gbs

**(RAMENDRA JAIN)**  
**JUDGE**

**Whether Speaking/Reasoned**

**Yes/No**

**Whether Reportable**

**Yes/No**