

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

RSA No.2937 of 2011 (O&M)

Date of Order: 22.11.2017

M/s Gupta Hotel, Faridabad

..Appellant

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Akshay Bhan, Sr. Advocate, with
Mr. Santosh Sharma, Advocate,
for the appellant.

Mr. Aakash Singla, Advocate
for the Municipal Corporation.

ANIL KSHETARPAL, J (Oral)

Vide order dated 22.12.2016, this Court had dismissed the appeal with respect to respondent nos.3 to 10/defendants in the suit.

However, Municipal Corporation, Faridabad was directed to file an affidavit so as to explore the possibility of giving an alternative plot to the appellant.

Pursuant to the aforesaid direction, an affidavit has been filed by the Municipal Corporation, Faridabad, which has been taken on record.

In the considered opinion of this Court, in exercise of jurisdiction under Section 100 of the Code of Civil Procedure, it would not be justifiable for this Court to exercise the powers under Article 226 of the Constitution of India. In these circumstances, the appellant is relegated to the alternative remedy.

With these observations, the appeal is disposed of.

November 22, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No