

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

**RFA No. 4918 of 2017 (O&M)
Date of decision: 14.12.2017**

Satbir

..... Appellant

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present : Mr. M.S. Kathuria, Advocate for
Mr. Rakesh Nehra, Advocate
for the appellant.

Ms. Safia Gupta, AAG, Haryana
for respondent No.1.

Mr. P.S. Saini, Advocate
for respondent No.2.

ARUN PALLI, J. (Oral)

Concededly, the present appeal has been filed against the order dated 29.3.2017, passed by the Land Acquisition Collector, under Section 28-A of the Land Acquisition Act, 1894 (for short 'Act'). Though the appeal at hands purports to have been filed under Section 54 of the Act, but a bare reading of the said provision shows that an appeal thereunder shall be competent only against an award rendered by the Court. The expression Court has been defined under Section 3(d) of the Act to mean Principal Civil Court of original jurisdiction. Thus, the Collector is not a Court. On being pointedly asked, learned counsel for the appellant could not show as to how the appeal at hands is competent or maintainable under Section 54 of the Act against the order passed by the Collector.

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That being so, the appeal is dismissed being not maintainable.
However, the appellant shall be at liberty to avail the remedies as admissible
in law.

CM No. 12363-CI-2017

This is an application seeking condonation of delay of 138 days
in filing the accompanying appeal. For, the order passed in the main appeal,
no formal or specific order is necessary to be passed in the present
application and the same is accordingly disposed of.

14.12.2017
AK Sharma

(ARUN PALLI)
JUDGE

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