

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

**Regular Second Appeal No.1172 of 2017 (O&M)
Date of Decision: March 19, 2018.**

Sudhir Chander Rastogi

.....APPELLANT(s).

VERSUS

State of Haryana and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Chhavi Sharma, Advocate
for the appellant (s).

SURINDER GUPTA, J.

Heard.

Appellant-plaintiff challenged the acquisition of his land by the respondents with the plea that after issuance of notification under Sections 4 and 6 of Land Acquisition Act, 1894 (later referred to as 'the Act') published by the respondents in respect of the land in dispute, award as required under Section 11 of the Act was not made within statutory period of 2 years from the date of notification.

Learned Civil Judge dismissed the suit with the observation that civil Court has no jurisdiction in the matter.

It is not disputed that the award in this case was passed on 18.11.2015 and has attained finality. Both the Courts below have taken a view that remedy available to the appellant-plaintiff is under the provisions of the Act and the civil suit is not maintainable.

It is also evident that the award under Section 11A of the Act was passed within two years from the date of publication of the declaration/notification under Section 6 of the Act and the plaintiff could not challenge or rebut this fact before the Courts below.

Keeping in view the above facts, I find no legal or factual infirmity in the judgments of the Courts below calling for any interference.

No substantial question of law requiring determination arises in this appeal, which has no merits.

Dismissed.

In view of the decision of the appeal on merits, the application seeking condonation of delay of 539 days in re-filing the appeal is only of academic interest. As the appeal has no merits, this application is also dismissed.

March 19, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***