IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-13601-2019 (O&M)
Date of Decision: 21.05.2019

Mange Ram --Petitioner

Versus

State of Haryana & another --Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Ram Pal Verma, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA.J (Oral)

Petitioner seeks a Mandamus to direct the concerned respondent authorities to issue an Exemption Certificate from stamp duty and registration charges pertaining to a compensation amount of Rs.57,07,861/- i.e. the enhaced compensation amount towards the land of the petitioner that stood acquired.

Counsel for the petitioner has been heard at length.

The prayer in the instant petition is founded upon clause 13 of a notification dated 9.11.2010 issued by the Revenue and Disaster Management Department, Haryana and which reads in the following terms:-

> *"Exemption from Stamp Duty & Registration Charges on purchase of alternate agricultural land.*
>
> *In case a landowner, whose land is acquired, purchases alternate agricultural land within the state of Haryana within a period of two years of the Award, such purchase of land limited to the amount of compensation, would be exempt from payment of Stamp Duty and Registration charges. The Revenue & Disaster Management Department would separately issue necessary orders/notification to this effect."*

Perusal of the afore reproduced clause makes it clear that where a landowner whose land is acquired purchases alternate agricultural land within the State of Haryana within a period of two years of the award, such purchase of land limited to the amount of compensation would be exempted from payment of stamp duty and registration charges.

It is the pleaded case of the petitioner himself that his land was acquired and date of passing of the award was 28.1.2010. Furthermore, petitioner has already availed of the benefit under clause 13 inasmuch as he has purchased a parcel of alternate land within the stipulated period of two years and has enjoyed the benefit of exemption from payment of stamp duty and registration charges.

The prayer now being raised in the petition seeking an exemption a second time over on account of the compensation amount having been enhanced is not covered under clause 13 of the notification dated 9.11.2010.

Prayer in the instant petition, as such, cannot be accepted.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

21.05.2019
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No