HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 330 of 2021

Mahesh Chourasiya S/o Shri Parmeshwar Chourasiya, Aged About 52 Years R/o Chandrapur Tahsil Dabhara District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of Revenue And Disaster Management Mahanadi Bhawan New Raipur District - Raipur Chhattisgarh.
2. Collector Janjgir, District - Janjgir - Champa Chhattisgarh.
3. Sub-Divisional Officer (Revenue) Dabhara District - Janjgir - Champa Chhattisgarh.

---- Respondents

For petitioner – Shri Kamal Kishor Patel, Advocate.
For State- Ms. Abhiyunati Singh, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/01/2021

Heard.

1. Learned counsel for the petitioner submits that the land of the petitioner was acquired for construction of barrage to provide water to the private power plant and therefore he is a land oustee and he has been paid the compensation. It is stated that as per clause 15.7 of the Industrial Policy, 2014-19, if with the amount of compensation which is received for acquisition of land, further agricultural land are purchased, then it would be exempted from stamp duty. However, the petitioner has not been issued exemption certificate of the stamp duty by the respondent No.3, Sub-Divisional Officer (Revenue) Dabhara.

2. The Industrial Policy, 2014-19, clause 15.7 reads as under:-

> "15.7. The rehabilitation policy of the Government will be applicable to the affected/displaced farmers due to land acquisition in cases of establishment of industrial projects/land bank/industrial areas/industrial and stamp duty exemption will be given for purpose of agricultural land from the compensation received."

3. Therefore, if the facts are undisputed that the petitioner's land was acquired for construction of barrage to provide water to the industry and he has been paid the compensation, then according to the Industrial Policy clause 15.7 if with the amount of compensation which is received for acquisition of land, further agricultural land are purchased, then in such case he may get the exemption. Accordingly, the petitioner is directed to file a fresh representation before respondent No.3, Sub-Divisional Officer (Revenue) Dabhara within a period of three weeks. If such representation is filed, the same may be dealt with keeping in mind the clause 15.7 of Industrial Policy, 2014-19 within an outer limit of 90 days.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE

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