

Award No

14/88-89

NAME OF VILLAGE :

Kapashera.

Nature of Acquisition

Permanent

Purpose of Acquisition

For linking of Palam Diversion
(N.H.8) with Gurgaon Bye-Pass.

These are the proceedings of determination of compensation u/s 11 of the Land Acquisition Act, 1894. The land under acquisition measuring 99 bighas 6 biswas situated in Village Kapashera, was notified u/s 4, 6 & 17 of the L.A. Act vide Notifications No. F7(17)/85/L&B(1) dated 10.11.1986, (ii) dated 5.3.87 and (iii) dated 11.11.86 respectively for a public purpose namely, for linking of Palam Diversion (N.H. 8) with Gurgaon By-Pass. In pursuance of the aforesaid Notifications, the notices u/s 9 & 10 of the L.A. Act were issued to the interested persons for inviting their claims. The claims received from the interested persons are discussed under the heading "Claims for Compensation".

TRUE & CORRECT AREA :-

The land was measured and surveyed on the spot by the land acquisition field staff. The area found available at the spot is 99 bighas 6 biswas, the detail of which is as under :-

<u>KH. NO.</u>	<u>AREA</u> Big - Bis	<u>KH. NO.</u>	<u>AREA</u> Big - Bis	<u>KH. NO.</u>	<u>AREA</u> Big - Bis
689/1	1 - 2	749/1	0 - 5	753/1	4 - 2
702/1/1	0 - 16	750/1	5 - 2	754/3/1	0 - 11
748/1/1	0 - 15	751/2	1 - 16	759/1	3 - 2
748/2/1	1 - 15	752	0 - 11	760/1	3 4 18
				761/2	1 - 11
	<hr/> 4 - 8 <hr/>		<hr/> 7 - 14 <hr/>		<hr/> 13 - 4 <hr/>

Contd.....2/-

निम्नलिखित ~~व्यक्ति~~ व्यक्ति अवार्ड सुनने के समय
हाजिर थे ।

1. माडु सिंह s/o मोहन लाल

~~चितरू s/o रामरक्त~~

2. हाजिर मेहर सिंह s/o चितरू

3. हीरा लाल s/o लीता राम

Mahar Singh

3/3/89

Mehar Singh

3/3/89

Handwritten signature

under :-
The spot is 32 bighas 8 biswas, the detail of which is as
land acquisition field staff. The area found available at
The land was measured and surveyed on the spot by the
TENT & CORRECT AREA :-

KH. NO.	AREA - Bis	KH. NO.	AREA - Bis	KH. NO.	AREA - Bis	KH. NO.	AREA - Bis
752/1	1 - 15	752	0 - 11	752/1	3 - 18	752/1	1 - 11
752/1	0 - 15	751/2	1 - 15	752/1	3 - 18	751/2	1 - 11
752/1	0 - 15	752/1	0 - 15	752/1	3 - 18	752/1	1 - 11
752/1	0 - 15	752/1	0 - 15	752/1	3 - 18	752/1	1 - 11
752/1	0 - 15	752/1	0 - 15	752/1	3 - 18	752/1	1 - 11
752/1	0 - 15	752/1	0 - 15	752/1	3 - 18	752/1	1 - 11
752/1	0 - 15	752/1	0 - 15	752/1	3 - 18	752/1	1 - 11
752/1	0 - 15	752/1	0 - 15	752/1	3 - 18	752/1	1 - 11
752/1	0 - 15	752/1	0 - 15	752/1	3 - 18	752/1	1 - 11
752/1	0 - 15	752/1	0 - 15	752/1	3 - 18	752/1	1 - 11

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<u>KH. NO.</u>	<u>AREA</u>	<u>KH. NO.</u>	<u>AREA</u>
762/1	4-15	875	4-16
763/1/1	0-01	876/1	1-0
763/2/1	0-12	869/1/1	0-01
766/1	3-6	869/2/1	0-15
767/1	3-17	870/1	3-2
770/2	1-5	870/2	1-06
771/1	4-16	871/1/2	2-8
772/1	1-01	871/2	1-05
773/2	3-11	872/2/1	Less than one Biswa
774	4-1	882/2	3-11
775/1	1-7	883/1/1	1-1
776/2	3-13	883/2/1	0-07
791/1	0-01		
794/1	0-01		19-12
846/2	3-11		54-8
847/1	3-9		4-8
848/1	4-16		7-14
849/1	1-3		13-4
853/2	3-08	G. TOTAL AREA	99-6
854/1/1	1-3		
854/2/1	2-07		
857/1	1-01		
874/1	1-03		
	54-8		

Contd.....3/-

COMPENSATION CLAIMS :-

The following persons have filed their claims for compensation :-

<u>S. No.</u>	<u>Name of the claimant</u>	<u>Kh. No.</u>	<u>Claims</u>
1.	S/S h. Hira Lal, Shew Chand & Perbhu ss/o T eta Ram, S/Sh. Jai Lal, Baljit Singh & Balraj Singh ss/o Chet Ram r/o Vill. Kapashera, Delhi.	869/2/1(0-15) 870/1(3-2) 871/1/2 (2-8) 872/2/1	Rs. 500/- per sq. yd. for the land together with Salatium, interest & Add. M.V. under the amended laws and alternative plot.
2.	Sh. Chitru s/o Ram Sarup	770/2 (1-5)	Rs. 1000/- per sq. yd.
3.	Master Aurag Jain s/o D.K. Jain through Bhupin- der Kumar Gangwal peternal r/o A-12, West End, New Delhi.	751, 753/1, 752, 760, 761/2 791/1	Rs. 100/- per tree Rs. 300000/- for structures Rs. 500000/- per acre for land.

DOCUMENTARY EVIDENCE :-

No documentary evidence in support of their claims has been filed by the claimants.

MARKET VALUE :-

The Market Value of the land under acquisition is to be determined with reference to the price ~~and~~ land prevailing at the time of notification u/s 4 of the L.A. Act i.e. 10.11.1986.

In assessing the market value of the land under acquisition on the material date, bonafide sale transactions of land parallel in all circumstances to the land under acquisition in the same village ~~and also awards in respect of the similar kind of land made~~ with reference to the date of notification u/s 4 may be taken into account.

Contd.....4/-

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Relevant sale transactions which have taken place near the date of preliminary^{mi} notification u/s 4 dated 10.11.86 have also been examined. The following sale transactions have been reported to have taken place in respect of this Village :-

<u>S. No.</u>	<u>Registry No. & Date</u>	<u>Area</u>	<u>Amount</u>
1.	7118/28.10.85	2-6½	35000-00
2.	7419/8-11-85	2-0	25000-00
3.	7420/8.11.85	2-6	42000-00
4.	7422/8.11.85	1-0	20000-00
5.	7421/8.11.85	3-0	48000-00
6.	7425/8.11.85	2-11	44000-00
7.	7698/26.11.85	1-4	35000-00
8.	7700/26.11.85	2-8	48000-00
9.	7701/26.11.85	4-4	45000-00
		<hr/>	<hr/>
		17-19½	342000-00
10.	1377/6-3-86	4-0	50000-00
11.	909/12-2-86	3-16	40000-00
12.	1378/6-3-86	2-0	30000-00
13.	1379/6-3-86	2-0	30000-00
14.	1558/14-3-86	2-0	30000-00
15.	5027/20-5-86	2-6½	35000-00
16.	5028/25-5-86	4-4-	48000-00
17.	2627/20-6-86	3-12	50000-00
18.	5764/25-6-86	6-04	48000-00
19.	7520/5-9-86	3-5	50000-00
20.	8610/9-10-86	4-16	49500-00
21.	8611/9-10-86	4-16	48750-00
22.	8609/9-10-86	4-16	48750-00
23.	9078/6-11-86	3-14	50000-00
24.	9079/6-11-86	3-14	50000-00
25.	9080/6-11-86	3-15	50000-00
		<hr/>	<hr/>
		76-18	1,050000-00
		<hr/>	<hr/>

Thus the average market value of the land has deducted from the above transactions comes out to be Rs.13,654/- P.B.

In absence of any documentary evidence or any other fact brought on the record the above average value may be reasonable and justifiable ground for assessing the market value of the land under acquisition in this award. Therefore, I assess the market value @Rs.13,660/- P.B. for the land in question. The type of land discussed in the para "True & Correct area" is almost the same in quality, situation and other circumstances applicable to the land. Therefore, the compensation will be assessed at the rate of the above market value i.e. Rs.13,660/- P.B. for the entire area of land under acquisition.

Compensation with regard to the other movable and immovable assests like well, tube well, structures, trees are discussed under the different heads as mentioned below:-

1. WELL/TUBE WELLS

As per the revenue record one pacca bored tube well exists in Kh.no.752 and two similar tube wells in Kh.no.759/1 & 767/1 are also there. Taking into consideration the expenditure incurred on constructing these tube wells and also the depreciation value which can be taken into account in view of the benefits derived from these wells, compensation in lieu of acquiring these wells is assessed @Rs.5,000/- each for the above three tube wells.

2. STRUCTURES

While assessing the compensation of the structures shown in the revenue record the measurement, type of construction and expenditure incurred by the claimants have been taken into consideration and the compensation is assessed accordingly as detailed below.

KH.NO.	KIND OF STRUCTURE	SIZE OF STRUCTURE	AMOUNT
752	One Kotha pacca		Rs.5,000/-
760/1	One Kotha, roof of cement chadder	12'x9'	Rs.3,000/-
759/1	One kotha pacca roof of which cemented chadder	20'x10'	Rs.6,000/-
761/2	One kotha pacca roof of chhapper	20'x15'	Rs.7,500/-
762/1	One kotha without plaster, roof of cement chadder	15'x10'	Rs.5,000/-
767/1	One kotha without plaster roof of which cementedchadder		Rs.5,000/-
			<u>Rs.31,500/-</u>

TREES

There are some trees on the land under acquisition. The compensation with regard to the trees is assessed on the basis of the quality of the timber retrieved from these trees and its other benefits if any.

KH.NO.	DESCRIPTION OF TREES	WEIGHT QTL.	RATE PER QTL.	COMPENSATION PROPOSED
752	Shehtoot = 3	3 Qtl.	@Rs.12/-P.Qtl.	Rs.36/-

In other Kh.Nos. 754/3/1, 760/1, 759/1, 761/2, 763/2/1, 766/1, 767/1, 771, 772/2, 789/1, 762/1, there are many trees which are only shrubs. Therefore no compensation is assessed on account of this.

SOLATIUM

30% solatium will be payable on the market value of the land on account of compulsory nature of acquisition u/s 23 (2) of the L.A. Act.

ADDITIONAL AMOUNT U/s 23(1-A)

As provided u/s 23(1-A) of the L.A. Act amended act 1984, the additional amount @12% will be payable on the market value of the land w.e.f. 10-11-86 (date of notification u/s4) to 15-4-87 (date of possession).

INTEREST

The possession of the land under acquisition has been taken over u/s 17 of the L.A. Act on 16-4-87. Therefore interest u/s 34 of the L.A. Act @9% will be payable to the interested persons w.e.f. 16-4-87 to 15-4-88 and @15% w.e.f. 16-4-88 to the date of award.

APPORTIONMENT

The compensation will be paid on the basis of latest entries in the revenue record. In case of any dispute which cannot be amicably settled, will be referred to the court of A.D.J. u/s 30-31 of the L.A. Act for proper adjudication.

LAND REVENUE

The land under acquisition is assessed at Rs.19.40 as land revenue which will be deducted from the Khalsa Rent Roll of the village from the date of taking possession i.e. 16-4-87.

The land in question will vest in the Govt. absolutely free from all encumbrances from the date of taking over possession.

The award is summarised as under:-

1. Market value of the land measuring 99 bighas 6 Biswas @Rs.13,660/- P.B.	13,56,438.00
2. Compensation of wells	15,000.00
3. Compensation of structures	31,500.00
	14,02,938.00
4. 30% Solatium	4,20,881.40
TOTAL	18,23,819.40
5. ADDITIONAL amount u/s 23(1-A) @ 12% w.e.f. 10-11-86 to 15-4-87 (157 days) on Rs.13,56,438.00	70,014.50
6. Interest u/s 34 @ 9% w.e.f. 16-4-87 to 15-4-88 (one year) and @ 15% w.e.f. 16-4-88 to 2-3-89 (321 days)	4,04,737.99
7. Compensation of trees	36.00
<i>g. Total =</i>	<i>22,98,607.89</i>

(RUPEES TWENTY TWO LAKHS NINETY EIGHT THOUSAND SIX HUNDRED SEVEN AND PAISA EIGHTY NINE ONLY)

V.K.S. Chauhan
(V.K.S. CHAUHAN)
LAND ACQUISITION COLLECTOR (P.S.): DELHI

APPROVED
SECRETARY (REVENUE)

Award announced in the open Court in presence of several persons of the village. Notice u/s 12(2) may be issued to all who were not present.

V.K.S. Chauhan
3.3.89.