

A W A R D NO. 15/84-85

NAME OF VILLAGE : KAPASHERA
NATURE OF ACQUISITION : PERMANENT
PURPOSE OF ACQUISITION : CONSTRUCTION OF CHECK POST.

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These are the proceedings ^{4/3/11 of the L.A. Act} for acquisition of land measuring 30.12 bighas in Village Kapashera which is required by the Govt. at public expense for public purpose. namely for the construction of Check Post. This land stands notified u/s 4, 6 & 17 of the L.A. Act vide notification No. F.7(5)/82-L&B(1)(2)(3) dated 14.6.1982 respectively. Notices u/s 9 & 10 of the L.A. Act were issued to the interested persons for filing claims who have responded to the notices and have filed their claims which will be discussed under a separate heading "Claims & Evidence."

Since it is a case of emergency, section 17 of the L.A. Act has been made applicable and is exempted from the provisions of section 5(A) of the said Act.

MEASUREMENT & CORRECT AREA

The revenue field staff has carried out measurement on the spot as required under section 8 of the said Act and it is found that the area differs from the area notified u/s 6. There is a difference of 6 bighas 9 biswas which is due to actual paimash. The details of the area under present acquisition are as under:-

Kh. Nos.	Area	Kind of soil as per khasra girdawari for the year 1981-82
295/2'	3-00'	G. Abpash
291 1/2/1'	0-06'	-do-
234/1'	1-00'	G. Abpash
278/1/2'	0-17'	-do-
✓ 473/2/2'	1-10'	-do-
✓ 473/3/2/1	3-19	-do-
✓ 473/4/1.	1-5	-do-
529/2/1	1-9	Jadid No. 1
233/1	1-3	H. Abpash
294/2	3-1	-do-

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485/1/2	0-15	G. Abpash
475/2/1	0-17	-do-
486/2/1	0-16	-do-
497/1/2	0-16	-do-
474/1/1	1-10	-do-
499/2/1	0-15	Jadid No. 1
400 min	0-2	Parti
401 min	0-2	Parti
228/1	0-7	Parti
527/2/1	0-6	Rasta
526/1/2	0-3	Hadwarl
528/2/1	0-4	G.M.Khal

Grand Total: - 24-3

OWNERSHIP

Sl.No.	Name of the owner	Name of the occupant	Kh.No.	Area
1.	Kanwar Singh, Hoshiar Singh, Nanwal Singh ss/o Jaimal, equal share	Self	295/2	3-0
2.	Chitru s/o Ram Sarup	Self	291/2/1	0-6
3.	Brahm Dutt alias Banka, son, Smt. Murti, Misri ds/o Fateh, equal share 3/5 share	Self	234/1	1-0
	Badlu Ram, Roshan Lal ss/o Nethu, equal share, 1/5 share		278/1/2	0-17
	Mahinder Singh, Hari Ram, Sat Narain, Daya Nand ss/o Sunder, equal share 1/10 share			
	Manohar s/o Budh Ram, 1/10 share			
4.	Sis Pal Singh, Vijay Pal Singh, Abai Pal Singh ss/o Meel Chand equal share 1/72 share	Self	473/2/2	1-10
			473/3/2/1	3-19
			473/4/1	1-5
	Rattan Singh, Karan Singh ss/o Bhajan Singh, equal share, 1/36 share			
				6-14

Mahender, Ravi ss/o Sita Ram, Smt. Shakuntla, Tirpata do/s Mst. Sarbati wd/o Sita Ram, equal share, one share.

Mam Chand, Mehar Chand, Jal Chand ss/o Smt. Meerti Devi d/o, Mst. Kasturi Devi wd/o Khushi Ram, equal share, one share Bihari s/o Umrao one share, Kishan Chand, Meer Singh, Nanohar Lal ss/o Pokhar, equal share, one share. Kishan Chand, Meer Singh, Nanohar Lal ss/o Pokhar, equal share, one share.

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Bhim Singh, Dharam Singh, Rai	Self	473/2	1-10
Singh ss/o, Mst. Dhan Kaur wd/o		473/3/2/1	3-19
Ram Jas equal share one share /		473/4/1	1-05
Balbir, Munchi ss/o Rati Ram,			6-14
2/3 share.			

Rajesh, Suresh ss/o Mauji, equal share 1/3 Dar half
 Ranjit Singh, Om Parkash, Mahendar ss/o Siri Ram equal share Dar half one share.
 Banwari, Bishambar, Piarey Lal, Man Singh ss/o Har Narain equal share, one share.
 Sultan Singh s/o Banwari Lal, one share Dar half

5. Ram Kanwar s/o Ram Dayal, Bir Singh Self 529/2/1 1-9
 s/o Nanak Ram, equal share

6. Rehtash Singh, Badlu Ram ss/o Self 233/1 1-3
 Mathra, equal share

7. Ram Phal, Rattan Singh ss/o Self 294/2 3-1
 Chander Bhan, equal share 47/107 share.
 Smt. Ajit Sant Singh wd/o S. Sant Singh, Sardar Naunit Singh s/o Sardar Sant Singh, equal share, 60/107 share

8. Ram Sarup, Ram Narain ss/o Maru Self 485/1/2 0-15
 11/3 shares, Santokh Singh, Richmpal Singh, ss/o Darshan Singh Johal 28/39 shares

9. Ram Sarup, Ram Narain ss/o Maru, 13/94 Self 475/2/1 0-17
 shares, Santokh Singh, Richmpal Singh, ss/o Darshan Singh, Johal 81/94 shares

10. Siri Ram s/o Nihal Self 486/2/1 0-16
 497/1/2 0-16

1-12

Self 414/1/1 1-10
 11. Udey Ram, Narain Singh, Ram Chand, Braham Singh ss/o Nain Sukh, equal share, 1/4 share
 Ami Lal, Sheo Nath ss/o Sis Ram, equal share, 1/2 share.
 Santokh Singh, Raj Singh, Raj Karan ss/o Singh Ram, equal share, 1/4 share

12. Hari Singh, Tara Chand, Ami Chand ss/o Self 499/2/1 0-15
 Moti Ram equal share, 11/62 shares, Nandu s/o Jug Lal 51/62 shares

13. Pearey Lal, Ragbir, Jit Ram, Net Ram, Ram Singh ss/o Har Narain, equal share 20 shares, Bihari Lal s/o Ram Sahai, 17/97 shares. Ram Dhan s/o Ram Kishan 60/97 share. Self 400/2/1 0-2

14. Bihari Lal s/o Ram Sahai, 5/61 share. Ram Dhan s/o Ram Kishan, 45/61 share
 Hazari Lal, Parmeshwari Dass ss/o Digh Ram 6/61 share, Mool Chand s/o Pirbhu, 5/61 share. Self 401/2/1 0-2

15. Gram Sabha

Self 228/1 0-7
 527/2/1 0-6
 526/1/2 0-3
 528/2/1 0-4
1-0

The following claimants have filed claims for compensation:-

S.No.	Name of claimant	Compensation claimed
1.	Sh. Sirl Ram s/o Nihal	Has claimed compensation for Kh.No. 486 min (1-6), 497 min (1-7) @ Rs.200/- per sq.yds for the land. 15 % solatium 6 % Instt. 6 % amended Interest. Rs.2000/- as crops damages.
2.	Sh. Birham Datt alias Banka s/o Fatte	Has claimed compensation for Kh.Nos. 234 min (1-0) and 278/1 min (0-17) @ Rs.50,000/- per bigha, Compensation for Tube-Well Rs. 15,000/- . Compensation of structure Rs.10,000/- . Compensation of trees Rs.2,000/-
3.	Sh. Manohar s/o Budh Ram Mominer Singh s/o Sunder, Hari Ram (minor), Daya Nand (minor), Satya Narain (minor) ss/o Sunder	Have claimed compensation for Kh.No. 278/1(0-17) @ Rs.50,000/- per bigha of land. Rs.15,000/- for Tube Well. Rs. 10,000/- be paid for Pucca Kotha.
4.	Sh. Rohtas Singh, Badlu Ram ss/o Mathura	Have claimed compensation for Kh.No. 233 min @ Rs.50,000/- per bighas of the land.
5.	Sh. Kanwar Singh s/o Jaimal, Hesnar Singh, Nawal Singh ss/o Kanwar Singh	Have claimed compensation for Kh.No. 295 min (3-5) @ Rs.50,000/- per bighas of the land.
6.	Ram Pnal, Rattan Singh ss/o Chander Bhan	Have claimed compensation for Kh.No. 294 min (3-1) @ Rs.50,000/- per bigha of the land.
7.	Sh. Piarey Lal, Raghubir Chet Ram, Net Ram, Ram Singh ss/o Har Narain.	Have claimed compensation for Kh.No. 400 min @ Rs.200/- per Sq.yds.
8.	Sh. Ram Dhan s/o Ram Kishan	Has claimed compensation for Kh.No. 401 min @ Rs.200/- per sq.yds.
9.	Sh. Nandu s/o Jug Lal	Has claimed compensation for Kh.No. 499 @ Rs.50,000/- per bigha of the land and Rs.10,000/- for one room and also severance charges for the land.
10.	Sh. Ram Saroop s/o Mara, Ram Narain s/o Maru	Have claimed compensation for Kh.No. 485(1-6), 475 min (1-9) @ Rs.200/- per sq.yds for the land. 15 % solatium, 6 % Instt., and Rs.20,000/- as crop damages.
11.	Sh. Palwinder Singh Chawla s/o Tarlechan Singh Chawla, Smt. Jagdish Kaur w/o Palwinder Singh Chawla, Smt. Jagdish Kaur w/o Richpal Singh, Richpal Singh s/o Tarlechan Singh	Have claimed compensation for Kh.No. 473/3(4-15), 473/8 min (2-8) and 473/5 (2-6), 473/4 min (3-0), 473/7 min (2-8), 473/6 (3-10) @ Rs.200/- p. sq.yd for the land. Kh.Nos. 473/8 min, 473/5, 473/7 min and 473/6 are not being acquired in the present scheme.

EVIDENCE

In response to the notices issued u/s 9 & of the L.A. Act, the persons interested have not filed any proof and evidence in support of their claims.

MARKET VALUE

For determining the market value various factors like size, shape, situation, its tenure, the use of the land to which it is put, its potentiality and also the rise and fall in the demand of land are to be taken into consideration. Apart from this consideration is also to be given to the sale transactions and Awards took place nearest to the date of preliminary notification and also the references decided u/s 18 with a view to have the prevailing market price during that period. In this behalf the Revenue field staff has furnished the data collected from the concerned Registry office and the Award Registers which is given in Tables I & II.

Year-wise break up for the preceeding four years from the date of notification u/s 4 i.e. 14.6.82 is as under:-

TABLE NO. 1

S.No.	Year	Area Big- Bis	Consideration money	Average per bigha.
1.	1979	74-14	Rs. 675300-00	Rs. 9040-20
2.	1980	201-18	Rs. 1258800-00	Rs. 6234-80
3.	1981	79-14	Rs. 640300-00	Rs. 8033-80
4.	1982	33-00	Rs. 493000-00	Rs. 14939-37
		389-6	Rs. 3067400-00	Rs. 7879-27

The following awards have been made in the Village:-

TABLE NO. II

S.No.	Award No.	Date of notification u/s 4	Rate awarded per bigha
1.	31/73-74	6.5.1972	Rs. 4200-00
2.	32/73-74	-do-	-do-
3.	23/75-76	21.11.74	Rs. 2135-00
4.	31/78-79	19.8.76	Rs. 2500-00
5.	59/82-83	16.12.77	Rs. 2700-00

REFERENCE U/s 18

Reference u/s 18 have been filed by the persons interested in respect of the ~~above~~ mentioned awards, but no decision has been made so far in response to the reference u/s 18.

As already stated that other aspects of the land e.g. size, potentiality and location etc. etc. is also to be taken into consideration, therefore these factors are discussed here. The land under acquisition is agricultural land and is situated alongside the road. The land is levelled and fertile. Being close to the road and levelled it has gained importance and can be well used for residential / commercial purposes. The proposed land is also nearer to the developed colonies like Dhanla Kuan, Subroto Park, Cantonment Area and Palam Airport and other facilities like electricity road transport and telephone etc. etc. are also available. On account of these factors the area can be developed as a good residential colony of Delhi but for acquisition. The claimants have claimed compensation from Rs. 20,000/- to Rs. 50,000/- per bigha which is on very high side and without any supporting evidence. In the instant case the preliminary notification is of 14.6.82 and the sale deeds reported in table I ^{and} of 1979, 1980, 1981 and 1982. According to the sale deed of 1982 the transaction is of 33 bighas of land and the consideration money is Rs. 4,93,000 and the average cost per bigha comes to Rs. 14,939.37 whereas average cost for four years work out to Rs. 7,879.27 per bigha. Awards had also been awarded in respect of land acquired in the past and the latest award available is of the year 1982-83 in which the land has been assessed @ Rs. 2700/- per bigha, the date of preliminary notification being 16.12.1977. The present proceedings are in pursuance of notification of 1982 and therefore the above referred award cannot be taken as a

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guiding principle and the price shall have to be determined on the basis of sales deed. From table I(sale deed) it is observed that there has been rising trend in the prices. In the past the demand of the land has also increased. Keeping in view the circumstances, location of the land and its potentiality I feel that Rs. 12,000/- per bigha is reasonable and justifiable rate for the land under acquisition and I award the same.

(a) Khasra No. 527/2/1 is a Rasta and therefore no assessment is being done in regard thereto.

(b) Khasra Nos. 526/1/2, 528/2/1, 228/1 are Hadwari, G.M.Khal and Parti, as such the area involved (0-14 biswa) is assessed @ Rs. 5000/- p.bigha.

TREES & WELL:- There are no trees and Well on the land under acquisition. Hence no compensation is assessed.

STRUCTURE:- There is no structure on the land under acquisition.

INTEREST:- The interest u/s 28 of the L.A. Act is assessable to the land under acquisition to the persons interested from the date of possession of the land which in this case is 20.8.1982. Hence 6 % interest is payable from 20.8.82 to the date of announcement of the award.

SOLATUM

15 % solatium would be payable on the market value of the land being charges of compulsory acquisition of land.

LAND REVENUE :- The land revenue under acquisition is assessed to Rs. 7-18 The same will be deducted from the Khalsa Rent Roll of the Village from the date of taking over possession of the land under acquisition.

APPORTIONMENT:- Compensation will be paid to the recorded owners on the basis of latest entries in the revenue record.

Compensation of Kh. Nos. 475/2, 485/1/2, 486/2/1

and 497/1/2 is kept disputed for the reason that these Khama Nos. are hypothecated with Govt.

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Compensation of Kh. Nos. 473/2/2, 473/4/1 and 473/3/2/1 is also kept disputed due to claim No. 11 of Sh. Palwinder Singh Chawla and others.

In case of dispute, if the persons interested do not reach on amicable settlement within a reasonable time, the compensation will be sent to the Court of A.D.J. for adjudication.

The award is summarised as under :-

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| 1. Compensation for the land measuring 23 bighas 3 biswas @ Rs. 12,000/- per bigha. | Rs. 2,77,800-00 |
| 2. Compensation for the land measuring 14 biswas @ Rs. 5000/- per bigha | Rs. 3,500-00 |
| 3. Compensation for the land measuring 6 biswas G.M. Rasta. | No compensation assessed. |
| 4. 15 % solatium | Rs. 42,195-00 |
| 5. Instt. u/s 28 w.e.f. 20.8.82 to 31.10.83 (1 year 72 days) | Rs. 23,238-46 |
| | <hr/> Rs. 3,46,733-46 <hr/> |

G. Total:-

(Rupees Three Lakh Forty Six Thousand Seven Hundred Thirty Three and Paise Forty Six only)

[Signature]
(R.C. CHUGH)
LAND ACQUISITION COLLECTOR (MSW)
DELHI.

Announced today
and placed on record.

[Signature]
20/6/84
LAC (MSW)

Before notice u/s 12(2) b those
who could not be served
[Signature]
20/6/84
LAC