

AWARD NO. 23/75-76

Name of the village. Kapashera.
Nature of Acquisition. Permanent.
Purpose of Acquisition. Construction of Bijwasan Drain

These are proceedings U/S 11 of the Land Acquisition Act, 1894 for determination of compensation in respect of land measuring 7 bighas 1 biswa in village Kapashera. The land is required for construction of Bijwasan Drain. It is notified U/S 4 of the Land Acquisition Act vide notification No. F.7(17)/73-L&B(i) dated 21.11.1974 and U/S 6 vide No. F.7(17)/73-L&B(ii) dated 21.11.1974.

Since it was a case of emergency therefore section 17 of the Act was also made applicable vide notification No. F.7(17)/73-L&B(iii) dated 21.11.1974 and possession of the land was taken on 21.7.1975.

Notices U/S 9 & 10 of the Act were issued to the persons interested. Claims filed in the case will be discussed later under the heading 'Claims & Evidence'.

MEASUREMENT & CORRECT AREA.

The land Acquisition field staff carried out necessary measurement on the spot. The correct area found at the spot was 7 bighas 1 biswa as notified. The details of the land are given as ~~fr~~ below:-

<u>Khasra No.</u>	<u>Area.</u>	<u>Kind of soil.</u>
209/2/1	0-01	Gair Abpash.
210/1	0-07	-do-
211/1	0-04	-do-
214/1	0-04	-do-
215/1	0-04	-do-
217/1	0-03	-do-
218/1	less than biswa	G.M. Rasta-
285/1	0-04	Gair Abpash.

he
Contd.....2

286/1	0-18	Gair Abpash.
287/1	0-08	-do-
290/1	0-09	-do-
291/1	0-07	-do-
295/1	0-05	-do-
297/1	0-03	-do-
298/1/1	less than biswa.	-do-
310/1	0-04	-do-
323/1	0-04	-do-
324/1	0-04	-do-
335/1	0-04	-do-
336/1	0-04	-do-
346/1	0-06	-do-
347/1	0-08	-do-
357/1	0-08	-do-
358/1	0-09	-do-
359/1	0-11	-do-
360/2/1	0-02	Khali.

Total:-

7-01

OWNERSHIP AND OCCUPANCY.

Sl. No.	Name of the owner.	Name of the occupant.	Kh.No.	Area.	Kind of soil
1.	Sh-Ami Lal S/O, Mohan Devi, Sohan Devi, Lachmi Devi, Gando Devi, D/O , Smt. Basanti Devi, W/O , Bihari in equal shares 1/5 share.	Self.	217/1	0-03	Gair Abpash.
	Shrib Lal, Budh Ram, Dhani Ram, Ram Sarup, SS/O Madho Ram in equal shares 4/5 share.				
2.	Bishamber, Sultan, Ramoo, SS/O Kehar in equal share.	-do-	215/1	0-04	-do-
3.	Chatru S/O Ram Sarup.	-do-	214/1 290/1 291/1	0-04 0-09 0-07	-do- -do- -do-
Total				<u>1-00</u>	

4. Smt. Khazani WD/O Self. 346/1 0-06 Gair Abpash.
 Jaharia, Pyare Lal 347/1 0-08 -do-
 S/O Siri Ram in equal share 1/3 share. 0-14
 Ganga Ram, Dharamvir, SS/O, Natha Devi D/O
 Smt. Dalo WD/O Ram Sarup. in equal share 1/3 share.
 Jagdish, Bishamber SS/O Khubi in equal share 1/6 share.
 Kanwar Singh S/O Shil Lal 1/6 share.
5. Ram Pat S/O Kishan Lal -do- 297/1 0-03 -do-
 298/1/1 less than biswa -do-
6. Ram Gopal, Rama According to Kh. 210/1 0-07 -do-
 Nand S/O Mar Dev. G. Kharif 1974
 Bishamber S/O Nathan 1/2 share, Tara Chand, Rohtash Singh S/O Kishan Chand in equal share 1/8 share
 Arjun, Amar Nath, Randhir S/O Ram Sarup in equal share 3/8 share.
7. Ram Gopal, Rama According to Kh. G. 209/2/1 0-01 -do-
 Nand SS/O Hardev Kharif 1974 Bishamber S/O Nathan 1/2 share, Tara Chand, Rohtash Singh SS/O Kishan Chand in equal share 1/8 share.
 Ram Mehar S/O Lal Singh 1/2 share. Arjun, Amar Nath, Randhir Singh S/O Ram Sarup in equal share 3/8 share.
8. Shiv Ram S/O Mukha Self. 324/1 0-04 -do-
 1/2 share 335/1 0-04 -do-
 Daulat Ram, Mohan Lal, 336/1 0-04 -do-
 Chandgi Ram, SS/O Bhagwana all in equal share 1/2 share. 0-12
9. Shiv Nath, Sultan, -do- 310/1 0-04 -do-
 SS/O Umrao in equal share 1/3 share. 323/1 0-04 -do-
 Ram Gopal, Ram Pat SS/O Kishan Lal in equal share 2/3 share. 0-08
10. Kanwar Singh, Moshiar -do- 295/1 0-05 -do-
 Singh, Nawal Singh SS/O Jaimal in equal share.
11. Mir Singh, Ram Kanwar, -do- 285/1 0-04 -do-
 Arjun SS/O Mehar Singh in equal share 1/3 share 286/1 0-18 -do-
 Sukh Chain, Kishan Sahai, SS/O Maha Ram in equal share 2/3 share. 1-02

12. Basti Ram, Gahar Singh, Chunna SS/O, Chandrao, Tulsa DD/O of, Ram Devi WD/O of Bhim Singh all in equal share -	Self.	357/1	0-08	Gair Abpash.
13. Pyare Lal S/O Siri Ram 1/12 share. Ganga Ram, Dharam vir, SS/O, Natha Devi, DD/O Balo, WD/O of Ram Sarup in equal share 1/12 share, Kanwar Singh S/O Shil Lal, Jagdish S/O Khubi in equal share 1/12 share. Sukh Dev, Suraj Singh, Gopi SS/O Rati Ram in equal share 1/8 share. Manher, Chander, Warpat, Lala, Kartar Singh, Lal Singh, SS/O Khazani, Shanti, Lal Kaur DD/O in equal share 1 share. Choti, Badamo, WD/O Lakhmi in equal share 1 share. All in 1/8 share. Bed Ram, Jagan Nath SS/O Teka in equal share 1/4 share. Bhartu S/O Sada Sukh, Mohan Lal S/O Kishan Lal in equal share 1/4 share.	As per Kh.G. 287/1 1974-75 Chander Mass S/O Kanwar Singh 15 bis. rest 2-97 self.	287/1	0-08	-do-
14. Smt. Sharda Rani W/O Col. Ram Singh.	Self.	358/1 359/1	0-09 0-11 1-00	-do- -do-

Note:- Hypothecated with Govt-against Loan.

15. Company Petrol Pump.	Self.	360/2/1	0-02	Khali.
16. Kanwar Singh S/O Jaimal.	-do-	211/1	0-04	Gair Abpash.
17. Gaon Sabha.	-do-	218/1	Less than bis.	G.M. Rasta.

Contd.....5

CLAIMS & EVIDENCE.

Sl. No.	Name of the claimant.	Kh.No.	Area.	Rate claimed.	Evidence.
1.	Gahar Singh, Chunna, Basti Ram SS/O Bhim Singh. Chandra, Tulsa DS/O Bhim Singh, RamDevil WD/O Bhim Singh 1/6 share each through Basti Ram.	357/1	0-08	Rs. 10/- per Sq.Yd.	NIL.
2.	Sh. Ram Pat, Ram Gopal. SS/O Kishan Lal, Shiv Nath S/O Umrao, Sultan S/O Umrao through Shiv Nath.	310/1 323/10-04 297/1 298/1/1 310/1	0-04 0-04 0-03 less than biswa. 0-04	-do-	-do-
3.	Chander Hass S/O Kanwar Singh.	287/1	0-08	Rs. 20,000 per bigha.	-do-
4.	Kanwar Singh S/O Shib Lal. Jagdish Singh S/O Khubi Ram. Bishamber S/O Khubi Ram.	346/1 347/1 287/1	- - -	-do- -do- -do-	-do- -do- -do-
5.	Sharda Yadav W/O Col. Ram Singh.	358/1 359/1	0-09 0-11	Rs. 50/- per Sq.Yd.	-do-
6.	Sharda Yadav W/O Col. Ram Singh.	360/2/1	0-02	Rs. 100/- per Sq.Yd.	-do-

Note:- States that there is one room, bath room, flooring and boundary wall in this Kh.No. But the portion under acquisition is vacant at site.

MARKET VALUE.

The market value of land under acquisition is to be determined with reference to the date of preliminary notification dated 21.11.1974.

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 for similar land made with reference to the date of notification U/S 4 are taken into account. In this village the following offers/awards are reported to have been made.

he
Contd.....6

Award No.	Date of notification. U/S 4.	Rate awarded by the L.A.C.
Offer No. 2107	12.10.1964 (Under defence of India Act)	Rs. 1575/- per bigha for land in Block A. Rs. 1050/- per bigha for land in Block B.
31/73-74	6.5.1972	Rs. 4200/- per bigha.
32/73-74	6.5.1972	Rs. 4200/- per bigha.

Offer No. 2107 cannot offer any guidance because of the wide gap between the two notifications.

Award No. 31 and 32 with the same material date are based on sale transactions for land situated on metalled road connecting Gurgaon Road with village Rajokri. The land acquired in these awards is situated on the crossing of Gurgaon Road and Bijwasan Rajokri Road. The land under acquisition has no such situational advantage. These awards are therefore of no help in arriving at the market value of land under acquisition which is along both sides of the 'Nala' in south Western part of the village area.

The staff had reported a number of sale transactions which have taken place in this village during the period 1971 to 1974 and which have been mutated in the revenue record. All these sale transactions, except the following, relate to land which is situated far away from the land under acquisition and has better situational or other advantages and cannot reflect correctly the market value of land under acquisition.

Sl. No.	Mutation No.	Registration No. & date.	Kh. No.	Area.	Amount.	Average per bigha.
1.	04/92	6613(11.10.71)	196/1	4-10	Rs. 8,000/-	Rs. 1777/- per bigha. app.
2.	04/94	6614(11.10.71)	196/2	1-07	Rs. 10,000/-	Rs. 1834/- per bigha approxi.
			209/1	4-02		
				5-09		

Contd.....7

Both these sale transactions pertain to land which is in close proximity to the land under acquisition. In fact part of Kh.No.209 is involved in sale transaction at Sl.No.2 and part of this Kh.No. is being acquired at present. Sale of the same land under acquisition is best exemplar for determination of the market value. Both these sale transactions have taken place on 11.10.1971. When sale transactions ~~max~~ of the same date do not show consistency in the prices, average of prices fetched by all such sales should be taken. The average of the above two sales works out to Rs. 1809/- per bigha approximately. Since there is a gap of about 3 years between these sales and the notification U/S 4, an increase @ 6% p.a. in the price of land should be allowed. In view of the above observations I consider the rate of Rs. 2135/- per bigha fair and reasonable as the market value of the land under acquisition and award the same.

OTHER COMPENSATION.

TREES WELLS & STRUCTURES.

There is no tree, well or structure on the land under acquisition. Hence no compensation is assessable under this heading.

SOLATUM.

15% Solatium over and above the market value of the land will be paid towards compulsory nature of acquisition.

INTEREST.

Possession of 7 bighas 1 bis. of land was taken over on 21.7.1975 under section 17 L.A. Act. Interest has to be paid on the compensation assessed from 21.7.75 to 23.10.1975 as the award is likely to be announced on 24.10.1975.

Contd.....8

APPORTIONMENT.

Payment will be made according to the latest entries in the Revenue Record, except where persons other than owners are recorded as occupants or claim compensation. In case of dispute which is not settled within a reasonable time between the parties the amount of compensation will be remitted to the court ~~of~~ U/S 30-31 L.A. Act for adjudication.

LAND REVENUE.

The land under acquisition is assessed to Rs. 1.75 paise as land revenue which will be deducted from the Khasla Rent Roll of the village w.e.f. Kharif 1975.

SUMMARY OF THE AWARD.

- | | |
|----------------------------------------------------------------------------------------------------------------------|---------------|
| 1. Market value for land measuring 7 bighas 1 bis. @ Rs. 2135/- per bigha. | Rs. 15,051.75 |
| 2. Add 15% Solatium. | Rs. 2,257.76 |
| 3. Interest U/S 28 @ Rs. 6% P.A. on the amount i.e. Rs. 17,309.51 w.e.f. 21.7.75 to 23.10.75 (ninty five days only). | Rs. 270-31 |

Grand Total:-

Rs. 17,579.82

(Rupees Seventeen Thousand Five Hundred Seventy Nine and paise eighty two only).

Parliament
(B.M.L. GAUMAT) 19.1.76
LAND ACQUISITION COLLECTOR(MSW)
DELHI.

Answered & put away

Parliament

19.1.76

hdc

Copy sent

Santhi

N.T. (LA)

19/1/76

509

आज मरेल २५०० आया है। बराबर
रुग्ना के आवाजें पेश हुईं। गिनना लिखित
बराबर उपस्थित हुए। उनको आवाजें
12 बजे रुग्नाया व सेनागारा गया।

मामुली

मामुली

मामुली

मामुली

मामुली

मामुली

मामुली

मामुली

1. 12: आर २५०० आया है। बराबर
रुग्ना के आवाजें पेश हुईं। गिनना लिखित
बराबर उपस्थित हुए। उनको आवाजें
12 बजे रुग्नाया व सेनागारा गया।

2. जो १२२५ सिंह कपड़े। पता श्री अमर सिंह
को आर से उपस्थित है।

3. जो राम कपड़ा श्री अमर

4. जो चन्दगी पुर सजावती

5. जो वस्ती राम पुर सीम सिंह

6. जो गंगा राम पुर श्री राम सस्य

7. जो गंगा राम पुर श्री राम सस्य

8. जो गंगा राम पुर श्री राम सस्य

9. जो गंगा राम पुर श्री राम सस्य

10. जो गंगा राम पुर श्री राम सस्य

19/1/76
मामुली (15/5/76)
19/1/76

71
W/S-6

(TO BE PUBLISHED IN PART IV OF DELHI GAZETTE)
DELHI ADMINISTRATION: DELHI
 (NOTIFICATION)

Dated the 11 Nov., 1974.

No.F.7(17)/73-L&B(11):-Whereas the Lt. Governor Delhi is satisfied that the land is required to be taken by Government at the public expense for a public purpose, namely for construction of Bijwasan Drain, it is hereby declared that the land described in the specification below is acquired for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector of Delhi is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected at the Office of the Collector of Delhi.

SPECIFICATION

Village Or Locality	Total Area Btg. Sq.	Field Nos. Or Boundaries.
Bijwasan	67 - 04	453min, 454min, 513min, 514min, 515min, 516min, 517min, 520min, 3223/2773/949/19min. 3224/2773/949/20min, 3246/2773/949/43min, 950/1min, 950/2min, 950/3min, 950/4min, 950/5min, 950/6min, 950/7min, 950/10min, 954min, 1036min, 1092min, 1093min, 1094min, 1096min, 1097/1min, 1025min, 1123min, 1124min, 1125min, 1089min, 1073min, 1074min, 1075min, 1076min, 1071min, 1072min, 1067min, 1069min, 1070min, 2478/2001min, 2033min, 2034min, 2039min, 2050min, 2051min, 2052min, 2053min, 2057min, 2058min, 2060min, 2061min, 2062min, 2063min, 2098min, 2099min, 2100min, 2101min, 2104min, 2105min, 2109min,

Kuldeep Singh

Contd....2.....

....Page/2...

Village Or Locality	Total Blg.	Area Bls.	Field Nos. Or Boundaries.
---------------------	------------	-----------	---------------------------

2109min, 2155min, 2159min, 3278/
2163min, 3279/2163min, 3280/
2163min, 3281/2163min,
3283/2163min, 3287/2164min,
3286/2164min, 2163min, 3288/2164min,
3292/2164min, 3293/2164min,
3294/2164min, 3295/2164min,

Bamnoli	18	- 08
---------	----	------

133min, 134min, 135min, 136min,
137min, 138min, 141min, 142min,
144min, 145min, 146min, 183min,
184min, 185min, 186min, 195min,
197min, 199min, 200min, 201min,
206min, 212min.

Kapashe ra	7	- 01
------------	---	------

209/2min, 210min, 211min, 214min,
215min, 217min, 218min, 285min,
286min, 287min, 290min, 291min,
295min, 297min, 298min, 310min,
323min, 324min, 335min, 336min,
346min, 347min, 357min, 358min,
359min, 360/2min.

BY ORDER

Krishna Pratap

(KRISHNA PRATAP)

DEPUTY SECRETARY (LAND & BUILDING)
DELHI ADMINISTRATION: DELHI.

Contd...3....

...Page/3....

No. F.7(17)/73-L&B(11)

Dated the 21 Nov., 1974.

Copy forwarded to:-

1. The Public Relation Deptt., Delhi Administration
(In Dipl.) for publication in Part IV of Delhi Gazette.
2. Additional District Magistrate(LA), Delhi.
3. Land Acquisition Collector(P), Delhi.
4. The Executive Engineer, Flood Control and Drainage
Division No.1, Conzon Road, New Delhi.
5. Tehsildar(Land & Building).
6. All Sub-Registrars, Delhi/New Delhi/Shahdara.
7. P.A. to D.S.

Krishna Prataap
(KRISHNA PRATAAP)

DEPUTY SECRETARY (LAND & BUILDING)
DELHI ADMINISTRATION DELHI.

...Page/3....

No. F.7(17)/73-L&B(11)

Dated the 21 Nov., 1974.

Copy forwarded to:-

1. The Public Relation Deptt., Delhi Administration
(In Dipl.) for publication in Part IV of Delhi Gazette.
2. Additional District Magistrate(LA), Delhi.
3. Land Acquisition Collector(P), Delhi.
4. The Executive Engineer, Flood Control and Drainage
Division No.1, Conzon Road, New Delhi.
5. Tehsildar(Land & Building).
6. All Sub-Registrars, Delhi/New Delhi/Shahdara.
7. P.A. to D.S.

Krishna Prataap
(KRISHNA PRATAAP)

DEPUTY SECRETARY (LAND & BUILDING)
DELHI ADMINISTRATION DELHI.

...Page/3....

No. F.7(17)/73-L&B(11)

Dated the 21 Nov., 1974.

Copy forwarded to:-

1. The Public Relation Deptt., Delhi Administration
(In Dipl.) for publication in Part IV of Delhi Gazette.
2. Additional District Magistrate(LA), Delhi.
3. Land Acquisition Collector(P), Delhi.