

AWARD NO.

31/73-74

NAME OF VILLAGE:

KAPASHERA.

NATURE OF ACQUISITION:

PERMANENT

PURPOSE OF ACQUISITION:

Animal Quarantine Station.

These are proceedings U/s 11 Land Acquisition Act, 1894 for determination of compensation in respect of land measuring 2 bighas 5 biswas situated in village Kapashera. The land forms part of notification U/s 4 L.A. Act issued by Delhi Administration vide No. F.7(22)/71-L&B dt. 6.5.1972. The land is required by the Government at the public expense for a public purpose namely for 'Animal Quarantine Station'. A declaration U/s 6 of the Act was issued by the Delhi Administration vide No. F.7(22)/71-L&B dated 27.1.73.

Notices U/s 9 & 10 L.A. Act were issued to the persons interested in the land. Claims filed will be discussed under a separate heading "Claims & Evidence".

MEASUREMENT & CORRECT AREA:

The land acquisition field staff carried out measurement of the land under acquisition at the spot. The area was found to be correct as 2 bighas 05 biswas instead of 2 bighas 12 biswas as notified. The difference of 7 biswas is due to wrong calculation while preparing draft notification. Hence the present acquisition proceedings are confined only to an area of 2 bighas 5 biswas.

The details of land under acquisition is as under

<u>Kh.No.</u>	<u>Area</u>	<u>Kind of soil.</u>
373/1	0-10	G.M.Chah.
368/1/1	0-01	Abpash
381/1/2	1-13	-do-
382/1/1	0-01	-do-
Total:	<u>2-05</u>	
		Abpash 1-15
		G.M.Chah <u>0-10</u>
		<u>2-05</u>

Contd....2/-



OWNERSHIP AND OCCUPANCY:

S.No.	Name of owner	Occupant if any	Kh.No.	Area	Kind of soil.
1.	S/s Jangli S/o Richhpal, Bhartu s/o <del>Rakhan</del> Sada Sukh, Mohan Lal s/o Kishan Lal in equal share.	Self	381/1/2 382/1/1	1-13 0-01 1-14	Abpash -do-
2.	Sh. Khem Chand s/o Sh. Nanwa	Self	368/1/1	0-01	Abpash.
3.	Sh Khem Chand s/o Nanwa 1/8 share, Chet Ram, Mehar Chand, Amrat Ss/o Todar in equal share 3 shares, Amar Singh, Ram Chander Ss/o Yad Ram in equal share 1 share out of 1/8 share, Bishamber, Sultan, Ramoo Ss/o Kehar in equal share 1/4 share, Birham Dutt alias Banka, Nathu Ss/o, Murti, Misri Ds/o Fathe in equal share 4 share, Smt. Chottan Wd/o, Sunder, Manohar Ss/o Budh Ram in equal share 1 share out of 1/4 share. Rohtas Singh, Badlu Ram Ss/o Mathura in equal share 1/4 share.	Self	373/1	0-10	G.M.Chah

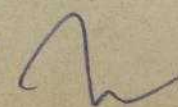
CLAIMS & EVIDENCE:

Sl.No.	Name of the claimant.	Kh.No.	Area	Amount claim	Evidence.
1.	Sh. Ram Kishan S/o Khem Chand	368/1/1	--	<del>Rs. 40,000/-</del> No rate of compensation mentioned. Requested for reasonable compensation.	Nil.
2.	Sh. Mohan Lal S/o Kishan Lal	381/1/2 382/1/1	1-13 0-01 1-14	--do--	Nil.
3.	Sh. Badloo Ram s/o Mathura & Akshay	373/1	0-10	Rs. 40,000/- <del>as the cost of well.</del> Demanded compensation upto the extent of 1/8 share in the land.	Nil.

MARKET VALUE:

The market value of the land under acquisition has to be determined with reference to bonafide sale transaction as to the material date (in the present case it is 6.5.72) possessing similar advantages and potentiality. Before we embark on the question of the determination of the market value on the basis

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of relevant sale deeds, it would be worthwhile to go through the previous award if any given in the village. Only one offer bearing No. 2107 the material date of which was 12.10.64, was given under the ~~Refence~~ Defence of India Act. The Land Acquisition Collector awarded a rate of Rs. 1575/- for block 'A' and Rs.1050/- for block 'B'. The value as determined in this offer ~~can~~ not constitute a proper guide line because of the wide gap between the two notifications. In the absence of any relevant award and the judicial adjudication there of, there is no other alternative except to seek recourse to the relevant sale transactions. A perusal of the record of rights reveals that the following sale transactions took place near to the material date.

S.No.	Mutation No.	Date of sale.	Kh.No.	Area/Consideration	Average per bigha.
1.	58	31.10.68	740 7-02	Rs. 30,000/-	4224/-
2.	38	16.4.68	722 730 731	17-15 58,000/-	3280/-
3.	39	16.4.68	737/1, 731/2.	5-02 17,000/-	3320/-
4.	63	9.4.69	712min	0-14 2,100/-	3000/-
5.	64	-do-	465	4-08 13,200/-	3000/-
6.	91	11.10.71	246/1	2-1q 3,000/-	1017/-
7.	92	-do-	196/1	4-10 8,000/-	1777-17P
8.	94	-do-	196/2, 209/1.	5-09 10,000/-	1834-10
9.	100	27.2.72	692min	3-16 4,500/-	1184-20
10.	101	23.2.72	468	4-16 6,000/-	1250/-

Sale transactions at S.No. 6 to 8 are not proper exemplar to be relied upon since the land covered in these transactions lies on the Western side of the Gurgaon Road and is land-locked. Like-wise sale transactions at Sl.No. 9 & 10 which reveal a paltry average sum of Rs. 1184/- and 1250/- per bigha cannot also form a proper basis for valuation since the land was transferred by the vendors to their nearest relative out of certain extraneous considerations. It is therefore  
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patently clear that the low price as paid in these transactions, do not reflect the true trend of the prevalent rate. Similarly sale transaction Sl.No. 4 and 5 also do not offer any guidance as the land covered in these two transactions though lying on the Eastern side of the Gurgaon Road, is also land locked and has no direct access to the road.

The best sale transactions are at Sl.No. 1, 2 and 3 in which the average sale price works out at Rs. 4224/-, 3280/- and 3320/- respectively. The land covered in these transactions abuts on the metalled road which connects the Gurgaon Road with village Rajokri. A scrutiny of these sale-deeds reveals that the land was sold at varying prices during the same year which inconsistency is difficult to explain. There are cases where bonafide sales of comparable land, however, do not always show consistency in the prices even though they have been sold at or about the same time. In such cases an average of the prices fetched by all the sales should be taken for determining the market value of the acquired land. (Vide Special Land Acquisition Collector Bangalore Vs. R.D. Narain Setty A.I.R. 1959 S.C.-429). In this case the Learned Judges of Mysore High Court took only four out of six sales into consideration and drew an average price therefrom without giving any sufficient reason as to why two of the transactions were left out. The <sup>Hon'ble</sup> Supreme Court held that the High Court committed an error in arbitrarily selecting four out of six transactions and should have taken an average of all the six sales. This judgment is therefore an excellent guide for evaluating the market value by the process of averaging the three sale transactions as cited above.

Going back therefore, to the three sale transactions as discussed before, the price as worked out by averaging comes to Rs. 3500/-. The land under acquisition abuts on one side of the Gurgaon Road and on the other side on the Metalled Road leading to

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to village Rajokri. Taking into account the situational advantage of the land and the time gap between the execution of the sale deeds and the date of notification in the instant case, I deem it fair and reasonable to assess the market value of the land at the rate of Rs. 4,200/- per bigha.

OTHER COMPENSATION:

STRUCTURES:- There are some structures like Kothas, Chhapers and water channel on the land under acquisition. The details of these structures are given below. Naib Tehsildar (LA) has assessed the value of these structures, which I consider to be fair and reasonable and award the same accordingly.

S.No.	Kh.No.	Kind of structure	Price assessed.
1.	368/1/1	One Pucca Shop with Chhaper of bricks 18' x 15' x 6'	250/-
2.	382/1/1	One Chhaper in ordinary condition 15' x 10' x 5'	150/-
3.	373/1	One pucca Kotha for Tube-well machinery 7' x 6' x 7'	250/-
		One pucca Haudi 8' x 4' x 5'	150/-
4.	381/1/2	Pucca water channel 99' in length.	148-50P
			<u>Rs. 948-50</u>

WELLS:- There is only one well on the land under acquisition, the details of which alongwith Kh.No. are given below. The Naib-Tehsildar has assessed the value of this well which I consider the same to be reasonable and award accordingly.

S.No.	Kh.No.	Description of well	Price assessed	Shifting charges for machinery of tubewell fitted on the well.
1.	373/1	Pucca well with bricks and lime Diameter 14' and depth 80' only.	3000/-	200/-

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TREES:- There are the following plants (Fruit Bearing) existing on the land under acquisition. The Naib Tehsildar has assessed compensation which is awarded accordingly.

S.No.	Kh.No.	Kind & Quantity of the plants	Rate per Plant	Total Value assessed.
1.	381/1/2	2 Wine of Grapes	5/-	10/-
		15 Aroo Fruit Bearing	10/-	150/-
		1 Aroo Plant	5/-	5/-
		6 Beri Fruit Bearing	10/-	60/-
		2 Neemo -do-	10/-	20/-
		16 Anar -do-	10/-	160/-
		1 Amrood -do-	10/-	10/-
				<u>Rs. 415/-</u>

SOLATIUM:- 15% solatium will be payable on the market value of the land towards compulsory nature of acquisition.

LAND REVENUE:- The land under acquisition is assessed to Rs. 3-52P which will be deducted from the Khalsa Rent Roll on the village from the date of taking over possession.

APPORTIONMENT:- Compensation will be paid according to the latest entries in the revenue record. In case of the dispute matter will be referred to the court U/s 30 & 31 L.A. Act.

SUMMARY:

1.	Compensation for land measuring 2 big. 05 bis. @ Rs. 4200/- P.B.	Rs. 9450-00
2.	Compensation for well.	Rs. 3000-00
3.	Compensation for structures.	Rs. 948-50
4.	Compensation for trees.	Rs. 415-00
		<u>Rs. 13,813-50</u>
5.	Add 15% solatium on the above.	Rs. 2,072-02
6.	Shifting charges.	Rs. 200-00
TOTAL:		<u>Rs. 16,085-52</u>

(Rupees Sixteen Thousand eighty five and paise fifty ~~only~~ two only ).

*Amended and  
today Filed  
in court*

( V.K.BHALLA )  
LAND ACQUISITION COLLECTOR (MSW)  
DEL HI.

7/11/23



TO BE PUBLISHED IN PART IV OF DELHI GAZETTE

DELHI ADMINISTRATION: DELHI

NOTIFICATION

MAY 6, 1972.

No.F.7(22)/71-L&B:- Whereas it appears to the Lt. Governor, Delhi, that land is likely to be required to be taken by Government at the public expense for a public purpose, namely for Animal Quarantine Station, it is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Lt. Governor is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of any land in the locality may within 30 days of the publication of the notification file an objection in writing before the Collector of Delhi.

SPECIFICATION

Village or Locality	Total Area Big. Bis.	Field Nos. or Boundaries.
Kapashera	2- 12	368/1min, 382/1min, 381min, 373mi

By order,

( R.N. PURI )  
DEPUTY SECRETARY (L&B)  
DELHI ADMINISTRATION : DELHI.

No.F.7(22)/71-L&B

MAY 6, 1972.

Copy forwarded to:-

1. Public Relation Department, Delhi Admn. (In dupl.) for publication in part IV of Delhi Gazette.
2. The Additional District Magistrate (LA), Delhi.
3. The Land Acquisition Collector (MSW), Delhi, w/r to his letter No.F.3(17)/70-71-Teh(N)/2081-82 dtd. 11.4.72
4. The Under Secretary to the Government of India, Bihar, Sarkar, Krishi Mantralaya, Krishi Vibhag, New Delhi, w/r to his letter No.50-3/71-LH(DT) dated 12.4.72.

( R.N. PURI )  
DEPUTY SECRETARY (L&B)  
DELHI ADMINISTRATION: DELHI