

AWARD NO. 31/78-79

NAME OF THE VILLAGE :-----KAPASHERA.

NATURE OF ACQUISITION : PERMANENT.

PURPOSE OF ACQUISITION: CONSTRUCTION OF SHOPPING CENTRE.

These are proceedings U/s 11 of the Land Acquisition Act 1894 for determination of compensation in respect of land measuring 3 bigha 16 biswa in Village Kapashera. The land is required for construction of Shopping Centre. It is notified U/s. 4 of the Land Acquisition Act vide Notification No. F.7(40)/76-I&B(1) dt. 19.8.76 and U/s. 6 vide No. F.7(40)/76-I&B(2) dated 19.8.76.

Since it was a case of <sup>urgency</sup> emergency, therefore, section 17 of the Act was made applicable vide notification No. F.7(40)/76-I&B(3) dt. 19.8.76 and possession of the land was taken on 24.11.76.

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

#### MEASUREMENT AND CORRECT AREA

The land acquisition field staff carried out the necessary measurement on the spot. The correct area found at the spot was 3 Bighas 16 Biswas as notified. The details of the land are given as below:-

<u>Khasra No.</u>	<u>Area</u> Big. Bis.	<u>Kind of Soil</u>
530/2/2	1-08	Gair Apash.
531/2/2	Less than Biswa.	-do-
534/1	0-01	-do-
535/1	2-07	-do-
Total	<u>3-16</u>	

#### OWNERSHIP & OCCUPANCY :

<u>S.No.</u>	<u>Name of the Owner</u>	<u>Name of Occupant.</u>	<u>Kh.No.</u>	<u>Area</u>	<u>Kind of Soil</u>
1.	Naval Singh s/o Ram Chand. $\frac{1}{2}$ share. Nathu Singh, Same Singh, Khubi Ram sons of, Ram Kali d/o, Ganga Devi d/o, Dhanna in equal shares $\frac{1}{2}$ share.	Self	530/2/2  535/1	1-08  2-07 <u>3-15</u>	Gair- Apash.



2. Prem Dutt, Om Parkash ss/o, Smt. Sona Devi, Chemeli, Maya Devi <del>ds/o</del> ds/o, Mst. Dhapan wd/o Balbir Singh $\frac{1}{4}$ share. Suraj Bhan, Sri Chand, Risal ss/o, Maha Devi, Chand Kaur, Om Wati ds/o, Har Kaur wd/o Jit Ram $\frac{1}{4}$ share. And Lal s/o Bahadur $\frac{1}{4}$ share.	Self	531/2/2  534/1	Less than Biswa. <del>1-00</del> 0-01 0-01	Gair Apash  -de-
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CLAIMS & EVIDENCE :

No. Name of the Claimant.	Kh. No.	Area. Big. Bis.	Rate Claimed	Evidence
Naval s/o Ram Chander, Nathu, Sama Singh, Khubi Ram ss/o, Ram Kali d/o Dhani Ram.	530/2/2 535/1	1-08 2-07 3-15	i. Rs. 16,000/P.B. for land. ii. Rs. 20000/for the structure. iii. Rs. 2000 for Bajra Crop.	Nil.

Note: Naval has sold 2 bigha of land from the common holding. Hence the compensation be made disputed. There was no structures or Bajra Crop at the time of taking the possession on 24.11.76.

MARKET VALUE:

The Market Value of the land under acquisition is to be determined with reference to the date of preliminary notification dated 19.8.76.

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 under section 4 are taken into account. In this village the following offers/awards are reported to have been made.

Award No.	Date of Notification U/s 4	Rate awarded by the LAC
ffer No. 2107	12.10.1964 (Under Defence of India Act.)	Rs. 1575 per bigha for Block A. Rs. 1950 per bigha for Block B
31/73-74	6.5.1972	Rs. 4200/- per bigha
32/73-74	6.5.1972	Rs. 4200/- per Bigha
23/75-76	21.11.1974	Rs. 2135/- per Bigha

Offer No. 2107 can not offer any guidance because of the wide gap between the two Notifications.

Similarly the material date in Awards Nos. 31/73-74 and 32/73-74 is 6.5.1972 while in the present case it is 19.8.76.



On further scrutiny it is found that these awards were based on a sale transaction relating to the year 1968. Also the land involved in these awards was Abpash while the land under the present acquisition is classified as Gair Abpash. Therefore, these two awards also do not help in arriving at the correct market value in the present case.

The material date in award No. 23/75=76 is 21.11.74 which is quite near to that in the present case. The land acquired in this case is also of the same classification ~~that~~ i.e. Gair Abpash. Hence this award offers proper guidance in the instant case. But the situation of land is quite different. While land acquired in this award was situated in the interior, the land under the present acquisition is on the Main Delhi Gurgaon Road and <sup>deserves of</sup> ~~deserve~~ some appreciation as compared to the land in award No. 23/75=76.

As regard the sale transaction having taken place in the village nearest to the material date in the instant case, following instances have come to the notice as per entries in the record of rights of Village Kapashera.

Mutation No.	Date of Sale	Khasra No.	Area Bigha - Biswas	Consideration	Average P.B.
4 / 131	25.8.75	473/6 1/36 share	( 3 - 10 ) <del>0x</del> - 2	Rs. 60/-	Rs. 600/-
-4/132	25.8.75	473/7 1/36 share	( 4 - 16 ) 0 - 3	Rs. 90/-	Rs. 600/-
-4/133	-do-	8	( 4 - 16 )	Rs. 7000/-	Rs. 2641.50P.
		9	4 13		
		11	4 12		
		12	8 15		
		15	3 9		
		16	4 9		
		21/7	0 2-		
		63	4 16		
		104-min	0 16		
		107	0 16		
		150	0 11		
		232	4 16		
		529	5 13		
		530/1	0 12		
		531/1	4 4		
		5324	2 11		
		762	4 16		
			56 07		
		1/36 Share	1 11		



	61/1	0.18
	64/	4.16
	65/2	2-08
	80/3	2-08
	81	4-15
	82	0.18
	83	4 .04
	84	3.19
	85	4.16
	86/3	2.08
	96/2	2-05
225/2	225/2	1.08

35.03

1/108 Share 0.06

10	0.08
419	4.16
422	4.16
424	4.16
425	4.16
426	4.16
427	4.16
428	4.16
429	4.16
430	4.16
431	4.16
432	2.08 - 4-16
443/1	2.08
444	0.16

59.12

1/72 Share 0.16

	Total	2.13		
4/134	25.8.75	473/5 (2.06)	Rs. 30/-	Rs. 600/-
		1/36 share 0.01		
4/135	-do.	473/4 (6.0)	/ .90/-	Rs. 600/-
		1/36 share 0.03		
4/136	-do-	473/3 (4.16)	Rs. 90/-	/ .600/-
		1/36 share 0.03		
4/137	-do-	473/2 (2.01)	Rs. 30/-	Rs. 600/-
		1/36 share 0.01		
4/138	-do-	473/8 (4.16)	Rs. 90/-	Rs. 600/-
		1/36 share 0.03		

The average per bigha in the sale transaction at Sl. No. 1, 2 & 4 to 8 is Rs. 600/- while it is Rs. 2641/- per Bigha in sale at Sl. No. 3. Also only a share has been sold in these transaction. The average per bigha in all these sales come to Rs. 2168/- per Bigha when taken collectively. The date of transaction in these sales is 25.8.75 which is quite near to the material date in the present case. Therefore, these sales provide guidance to a considerable extent.

As already discussed, the award No. 23/75-76, wherein a rate of Rs. 2135/- per bigha was given, offer guidance in the present



case. But the land involved in the instant case is located on the Delhi Gurgaon Road and as such deserves appreciation. In view of this, taking into consideration the above sales and award No. 23/75-76, I consider, a rate of Rs.2500/- per bigha as fair and correct market value in the present case and award the same for the entire land measuring 3 Bigha 16 Biswas under the present acquisition.

OTHER COMPENSATION S  
TREES, WELLS, AND STRUCTURES.

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

CROPS.

No crops were found at the time of taking over the possession. Therefore, no compensation is assessable under this heading also.

SOLATUM

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

INTEREST.

Possession of 3 Bigha 16 Biswas of land was taken over on 24.11.76 under section 17 of L.A. Act. Interest has to be paid on the compensation assessed from 24.11.76 to 28.3.78 as the award is likely to be announced on 29.3.78.

APPORTIONMENT

Payment will be made according to the latest entries in the Revenue Record. Where, there is a dispute, the matter will be referred to the A.D.J., Delhi, if the parties do not reach an amicable settlement within a reasonable period.

LAND REVENUE

The land under acquisition is assessed to Rs. Nil Paise 93 as land revenue, which will be deducted from the Khalsa Rent Roll of the village Kx w.e.f. Rabi, 1977.



SUMMARY OF THE AWARD

- |    |  |                   |
|----|--|-------------------|
| 1. | Market Value for land measuring<br>3 Bighas 16 Biswas @ Rs.2500/- per bigha                                    | Rs.9500/-         |
| 2. | Add 15 % Soletium  | Rs.1425/-         |
|    |  | <hr/> Rs.10,925/- |
| 3. | Interest U/s 28 @ 6%<br>p.A. on the amount i.e.<br>Rs.10,925/- w.e.f. 24.11.76<br>to 28.3.78 (1 year 125 days) | Rs. 879.98        |
|    |  | <hr/>             |

GRAND TOTAL

Rs.11,804.98

(Rs. Eleven thousands, eight hundred four & Paise  
ninety-eight only).

*SP Prakash*  
(SUYASH PRAKASH) 28.11.78  
LAND ACQUISITION COLLECTOR (MSW) : DELHI.

*Announced and filed to-day.*  
*SP Prakash*  
*28.11.78*

*L.A.C. MSW/MG*



(१११)

आजदि० २८-११-७८ को जहाँ सल बकारा खुना न अनाड  
पेशा हुई निम्नलिखित व्याक्त हो जिर आव  
जिगलो अनाड पढ़ कर मली पन्ना खुनाया व  
सम भो या गया। जो व्याक्त अनाड के सम्मान  
हो आव हो जिर गो आव डन्हे गिरि क प/१२८  
शीघ्र भेज दिर जावें।

ॐ श्री गुरुजी रात्र  
ॐ धनी रात्र

गुकी रात्र

L. A. C. (M. S.)

२८-११-७८

(२) श्री गुरुजी रात्र  
ॐ धनी रात्र समय सल



कार्यवाही कब्जा 4/517 ग्राम कापसहेडा

वसुंजिव हुसम जनाब L.A.C (MSD) सहाय दिल्ली आज  
दिनांक 24/11/76 मीक पर ग्राम कापसहेडा बटवारा श्री बलवान-  
सिंह कागुगगी श्री वेद सिंह पटवारी व श्री महानन्द पुकाश Pesh  
परुचें। वसुंजिव प्रोग्राम सहकमा M.C.D की ओर से श्री  
जयनारायण पटवारी भूमि एवम् सम्पत्ति विभाग व श्री B.R. Verma  
J.E. Engineering विभाग भी मीक पर मौजूद हैं। वास्तेदारान  
से से बावजूद इतना कोई होजिर नहीं आया है। भूमि  
आविसूचित 4/5 4, 6, 17 No F7 (40)/76-LAB (i), (ii), (iii) अ.  
19/8/76 अशमूला जम्बरान ससरा 530/2/2, 531/2/2  
(1-08) (कम अन्न बिल्ला)

534/1, 535/1 कुल ताददी 3-16 बिल्ला की मीक पर  
(0-1) (2-07) कुल ताददी 3-16 बिल्ला की मीक पर  
अजरीय जरीब अन्दाजी पैसाइश करके व अजरीयत खसम रक्क  
कर निशानदेही की गई। और कब्जा वाफ्डे होसिल किया गया  
और अजिन्स हो इवाला श्री जयनारायण पटवारी गुमाडिन्दा  
दिल्ली नगर निगम किया गया। सालम भूमि खाली आज  
काबूत है। बरकत कायवाही कब्जा की गई मजाहमत पेश  
नहीं आई। मुनादी व मुश्तहरी बाबत तब दिल्ली कब्जा  
मीक पर व देह हुआ से अजरीय श्री महानन्द पुकाश अपासी  
L.A. बकावाज बुलन्द कराई गई। पटवारी हलका अवजय  
द्वारा वार सरकार होजिर नहीं आ सका है लिहाजा एक  
राकल कायवाही कब्जा उसके अजरीय Tehsilदार सहक  
सहरीली वराये खसम दरमद दर काबजात साल सिजवडि  
जो व एक राकल सहकमा Requaring की। कायवाही कब्जा  
परी हो चुकी है लिहाजा रिपटि अर्ज है। 24/11/76.

Jai Narain  
Patwari  
L.A. M.C.D.  
24/11/76

Bhram K.  
24/11/76 J.E.

Vijay Pratap Singh  
24-11-76

Maharand Singh  
24/11/76 (L.A.)

24-11-76  
N.T. (L.A.)

Jan 12/11/76



आज दिनांक २२/११/७६ को श्री जय नारायण पटवारी मुम्बई एलम  
 सहायित विभाग दिल्ली नगर निगम बरोबर तय करके दिन  
 व समय कब्जा काचवाही land notified p/s 4, 6, 17  
 व काफ़ेस्टेटा हाजिर आया है। वातीचा द्वारा तय पाया  
 कि दिनांक २५/११/७६ को समय ११ बजे सीक पर वरामे  
 काचवाही कब्जा दोनी सहकारी के गुमहिनदगान मिलेगी।-  
 और काचवाही कब्जा कसम में लाई जायेगी।

Jain Narain  
 Patwari  
 LHE M.C.D.  
 22/11/76

P. S. Rao  
 Kgo (K.A.)  
 22/11/76  
Santosh Rao  
 22/11/76  
 N. I. R. (K.D.)

L. A. C. (K.D.) may kindly see.

L. A. C. (K.D.)

Santosh Rao  
 22/11/76  
 N. I. R. (K.D.)

22/11/76