

AWARD NO. : 32/73-74  
 NAME OF VILLAGE : KAPASHERA.  
 NATURE OF ACQUISITION : PERMANENT.  
 PURPOSE OF ACQUISITION : ANIMAL QUARANTINE STATION.

Land measuring 38 big. 12 bis. situated in village Kapashera was notified U/s 4 Land Acquisition Act, 1894 by Delhi Administration vide notification No. F.7(22)/71-L&B(1) dated 6.5.1972. The land was required by the Government at the public expense for a public purpose namely for 'Animal Quarantine Station'. The provisions of section 5(a) L.A. Act were exempted and declarations U/s 6 and 17 L.A. Act were also issued for the same area simultaneously vide Nos. F.7(22)/71-L&B (ii) and F.7(22)/71-L&B(iii) dated 6.5.72 respectively.

Notices U/s 9 & 10 were issued to the persons interested in the land. The Claims filed will be discussed separately in the award.

MEASUREMENT AND TRUE 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 38 big. 12 bis was.

The details of land under acquisition is as under:-

S.No.	Kh.No.	Area	Kind of Soil.
1.	368/1/2	1-17	Abpash.
2.	368/2	0-10	-do-
3.	369/1	~ 0-04	-do-
4.	369/2	0-18	-do-
5.	369/3	~ 0-11	-do-
6.	370	3-12	-do-
7.	371/1	1-18	-do-
8.	371/2	2-18	-do-
9.	372/2	3-16	-do-
10.	372/1	0-18	-do-
11.	374	3-17	-do-
12.	375/1-2	0-12	-do-
13.	379/1	2-08	-do-
14.	380/1	~ 0-04	-do-
15.	381/1/1	1-19	-do-
16.	382/1/1	3-14	-do-
Total:		38-12	Abpash.

OWNERSHIP AND OCCUPANCY:

S.No.	Name of owner	Occupant if any	Kh.No.	Area	Kind of soil.
1.	Bishamber, Sultan, Ramoo Ss/o Kehar in equal share.	Self	375/1-2	0-12	Abpash
2.	Jangli S/o Richpal Bhartu S/o Sada Sukh, Mohan Lal s/o Kishan Lal, in equal share.	Self	381/1/1 382/1/2	1-19 3-14	-do- -do-
				5-13	

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3. Chet Ram, Mehar Chand, Hardutt SS/o Todar in equal share, 3/4 share. Amar Singh, Ram Chander SS/o Yad Ram in equal shares, 1/4 share.	Self	369/2 374 372/1	0-18 3-17 0-18 5-13	Abpash -do- -do-
4. Rohta Singh, Badloo Ram SS/o Mathura in equal share.	Self	368/2 369/3 370 371/1 372/2	0-10 1-11 3-12 1-18 3-16 11-07	-do- -do- -do- -do- -do-
5. Biraham Dutt alias Nanga, Nathu SS/o, Smt Murti, Misri Ds/o Fathe in equal share 4 shares. Smt. Chottan Wd/o, Sunder, Manohar SS/o Budh Ram Ad s/o Fathe Singh in equal share, one share.	Self	379/1	2-08	-do-
6. Khem Chand s/o Nanwa.	Self	368/1/2 369/1	1-17 4-04 6-01	-do- -do-
7. Mohan Lal s/o Kishan Lal, Bhartu s/o Sada Sukh.	Self	371/2 380/1	2-18 4-00 6-18	-do- -do-

CLAIMS & EVIDENCE:

S.No.	Name of the claimant	Kh.No.	Area	Amount claimed	Evidence.
1.	Badlu Ram, Om Parkash, Roshan Lal SS/o Nathu Ram, Bharam Dutt S/o, Murti Devi, Misri Devi, Ds/o Fathe Singh, Sunder Singh s/o Budh Ram, Manu Singh s/o Budh Ram through Sh. Badlu Ram Yadav.	379/1	2-08	1. Rs. 60/- per sq. yd for land. 2. Rs. 3000/- for pucca cemented drain.	Nil
2.	Bishamber, Sultan Singh, Ramoo SS/o Kehar Singh through Shri Sultan.	375/1/2	0-12	-do-	Copy of sale- deed dt. 2.7.71 in respect of Kh.No. 19 area 3 big. 06 bis. for a sum of Rs. 10,000/-.
3.	Rohtas Singh, Badlu Ram SS/o Mathra through Sh. Rohtas Singh.	368/2 369/3 370 371/1 372/2	0-10 1-11 3-12 1-10 3-16 11-7	-do-	Two copies of sale deed dt. 1.6.71 in respect of Kh. No. 392 area 10Bs. each for a sum of Rs. 6,000/- each.
4.	Khem Chand s/o Nanwa.	268/1/2 369/1	1-17 4-04 6-01	-do-	-do-
5.	Bharat Singh s/o Sada Sukh, Mohan Lal S/o Kishan Lal, Jangli s/o Richpal	381/1/1 382/1/2 371/2 380/1	1-19 3-14 2-18 4-00	-do-	1. Copy of sale- deed as at S.No. 2 2. Copies of sale- deed as at S.No. 3.
6.	Mehar Chand, Har Dutt Chet Ram SS/o Todar, Amar Singh, Ram Chander SS/o Yad Ram through Sh. Hardutt.	369/1 374/17 372/1	0-18 3-17 0-18	-do-	-do-



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 of relevant sale deeds, it would be worth while to go through the previous awards 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 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 money	Average per bigha.
1.	58	31.10.68	740	7-02	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	2-19	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 transaction 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 <sup>for</sup> ~~for~~ evaluation since the land was transferred by the venders to their nearest relative out of certain extraneous considerations. It is therefore patently clear that the low price as paid in these transactions do not reflect the true trend of the prevelant 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 transactionsabut on the metalled road which connects the Gurgaon Road with village Rajokri. A secrutiny of these sale-deeds reveals that the land was sold at varying prices during the some 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 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  
.....5/-



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.

A word about the evidence adduced by the claimants. They have in support of their claims, relied upon three sale transactions executed in the year 1971 in which the average price per bigha ranges from Rs. 10,000/- to Rs. 12,000/-. The prices as shown to have been paid in these sale transactions are not in keeping with the trend of prices and therefore it would not be out of way to infer that these sale transactions were engineered to inflate the prices with a view to give benefit to the land owners. This village falls within the ambit of the Delhi Land Reform Act wherein the land cannot be put to any use except for purposes connected with agricultural. It is incomprehensible as to how these small pieces of land as covered in the sale-deeds could be put advantageously for agricultural use. It is for these reasons that the evidence as cited by the claimants, can be of no value by any stretch of imagination.


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 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;

WELLS: There is no well on the land under acquisition.

STRUCTURES: There are some pucca water channel (Nali) on the land under acquisition. The details of these water channel are given below. The Naib Tehsildar has assessed the value of these water channels, which I consider to be fair and reasonable and award

.....6/-





the same accordingly.

S.No.	Kh.No.	Kind of water Channel.	Length	Price assessed.
1.	371/1	Pucca Water Channel	88 feet	132/-
2.	372/2	-do-	220 feet	330/-
3.	381/1/1	-do-	99 feet	148-50
4.	382/1/2	-do-	42 feet	63/-
			Total	Rs. 673-50

TREES:- There are the following trees/plants (Fruit bearing) existing on the land under acquisition. The Naib-Tehsildar has assessed compensation which is awarded accordingly. *It is side fair & reasonable and*

S.No.	Kh.No.	Kind & Quantity of tree/plant	Appox. weight in Qts.	Rate per Qt./Plant	Total
1.	368/1/2	1 Janti	3	5/-	15/-
2.	371/2	1 Shahtoot (Big)	-	20/-	20/-
		1 Shahtoot (Small)	-	5/-	5/-
		1 Anar (Fruit bearing)	-	10/-	10/-
		1 Beri	-	5/-	5/-
3.	370	1 Janti	8	5/-	40/-
4.	368/2	1 Janti	3	5/-	15/-
5.	372/2	1 Sheesham	10	8/-	80/-
		1 Janti	3	5/-	15/-
6.	380/1	1 Janti	3	5/-	15/-
		5 Beri	-	5/-	25/-
		2 Anar (Fruit bearing)	-	10/-	20/-
		1 Shahtoot (Big)	-	20/-	20/-
7.	382/1/2	1 Gular	-	5/-	5/-
		4 Amrood (Fruit bearing)	-	10/-	40/-
		4 Anar -do-	-	10/-	40/-
		2 Peech -do-	-	10/-	20/-
		1 Wine of Grape	-	5/-	5/-
				Total:	Rs. 395/-

INTEREST:-

Possession of the land was taken over on 9.5.1973 as provisions of the Section 17(I) L.A. Act were invoked in the case, therefore interest @ 6% per annum would be payable on the compensation assessed with effect from the above date to the date of announcement of Award, which is tentatively fixed as 7.8.1973.

Contd...7/-



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.9.96P which will be deducted from the Khalsa Rent Roll of the village from the date of taking over possession.

APPORTIONMENT:-

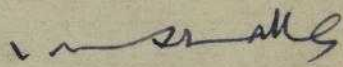
Compensation will be paid according to the latest entries in the revenue record. In case of the dispute matter will be referred to the court U/s-30 & 31 L.A.Act.

SUMMARY:-

1. Compensation for land measuring 38big-12bis @ Rs.4,200/-per bigha	Rs.1,62,120-00
2. Compensation for water-channel	Rs. 673-50
3. Compensation for trees.	Rs. 395-00
4. Add 15% Solatium on the above	Rs. 24,478-28
5. Interest @ 6% per annum <sup>u/s 17(1) L.A. Act.</sup> on the above w.e.f.9.5.73 to 6.8.73 (90 days)	Rs. 2,776-44

Total - Rs.1,90,443-22

( Rupees one lac ninety thousand four hundred forty three and paise twenty two only)

  
(V.K.BHALLA)

LAND ACQUISITION COLLECTOR (MSW)  
DELHI.

*Amad Amad  
to day. Filed*

*7/11/73*



कार्यवाही का बजा खाना लावा दी 38वीं का 12 बिसवा

ग्राम का पसेडा जेर आमवा स्कीम Animal Quarantine

Station Notified U/s- 4 No. F.7 (22) 1/71-448 (i) dt 6/5/72  
U/s- 6 ————— do' ————— (ii) ————— do  
U/s- 17 ————— do ————— (iii) ————— do

आज दिनांक 9/5/73 बमुजिब हुकूम जनाब Landaq.  
Collector साहब बहादुर (MSW) दिनी मौका पर बहमराह  
की दाइयां सिंह का नूतनी LA. की उमैदा सिंह परवारी LA.  
की अमृप काशी परवारी LA. व की महानन्द प्रकाशी  
परवारी LA. पहुँचे। महकमा acquiring की  
ओर से बमुजिब प्राशाम की R.C. Examin. Assn. Comm-  
ssioner Ministry of Agriculture (Department of Agriculture  
Kishori Bhawan New Delhi) की पुच्छा राम A Exn.

(L.D. II) M/O Agriculture Dept. भय बीजर स्थान के  
मौका पर मौजूद मिले। थाना नज्ज बाढ़ से की अमलाला  
H. Co. भय दो सिपाही भी मौका पर बमुजिब प्राशाम  
मौजूद हैं। वास्ता कारण से से बावजूद इतला काई  
दाजिर नहीं आया। आरजे जेर आमवा स्कीम भयवृत्त  
बोला बजामुला नमवरान खसरा

369/2, 368/3, 370, 371/1, 371/2, 372/2, 372/1, 374,  
(0-18) (1-11) (3-12) (1-18) (2-18) (3-16) (0-18) (3-17)  
375/1-2, 379/1, 380/1, 381/1/1, 382/1/2  
(0-12) (2-8) (4-0) (1-19) (3-14) कुल लावा दी

38वीं का 12 बिसवा जाका ग्राम का पसेडा का  
उस-17 का बजा लाकर बाढ़ पना...



201  
 वं बुरे किया ता स्वाम लागे कार निधान दे दी कर  
 के हा रिहा किया गया / और बजबस ही हुआ ला  
 की R.C. Saiti Aesth. Commission के बी पुनुराम  
 Aesth. जुमायन्दगान महेवमा अधुनियु (किया गया)  
 मोका पर सालाग रकबा खोली भज काइल है /  
 कर वहु काये वादे कबजा को है भजा हमत पेडा  
 नही आइ / मुनांही न बुझा तहर बाबल वकरीन  
 कबजा मोका के व देह हजा मे बजरमा की  
 महेवन्द प्रकाश चपराही के आवाज कुन्द  
 काइ गइ पटवारी हलाका बजजह दीगार कर  
 सरकार धर्मि वही होसका उसका एक नमरा  
 काय वही कबजा बराम समल प्रामद पर कमाजाल  
 माल बजरमा सहेली चदार साहब महेव ली भिजवी  
 जीव / और एक नमल महेवमा अवगापर है का  
 मेजी जीव / काय वादे कबजा हर तहरे से  
 मुका मल है / लिहाजा रिपार भज है / 9.5  
 73

Rosethi  
 9/5/73  
 (R.C. Saiti)  
 ASSISTANT COMMISSIONER  
 Livestock Division  
 Min. of Agri.  
 (Department of Agri.)

M. C. Saiti  
 9/5/73  
 N.T.C.A.

Jai Panna Sen  
 9/5/73

P. N. S. Sen  
 9/5/73

Unnat Bhai Sen  
 9/5/73  
 267  
 9/5/73

Green  
 10/5/73



( TO BE PUBLISHED IN PART IV OF DELHI GAZETTE )

DELHI ADMINISTRATION:DELHI

NOTIFICATION

MAY 6, 1972.

No.F.7(22)/71-L&B(1):- 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 provision 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.

The Lt. Governor being of the opinion that provisions of sub-section(1) of the 17 of the said act are applicable to this land, direct that the provisions of section 5-A shall not apply.

SPECIFICATION

<u>Village or Locality</u>	<u>Total Area</u> <u>Big. Bis.</u>	<u>Field Nos. or Boundaries.</u>
Kapashera	38 - 12	368/1min, 368/2, 369/1, 369/2, 369/3, 370, 371/1, 371/2, 372/1, 372/2, 374, 375min, 379min, 380min, 381min, 382/1min

By order,

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

No.F.7(22)/71-L&B(1)

MAY 6, 1972.

Copy forwarded to:-

1. The Public Relation Department (In duplicate) 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)/71Teh(N)/2081-82 dated 11.2.72.

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