

AWARD NO. 59-182-83

NAME OF THE VILLAGE : KAPAS HERA
Area under Acquisition
 NATURE OF ACQUISITION : 7 bigha 8 biswas
 PERMANENT
 PURPOSE OF ACQUISITION : Providing additional raised carriage way of Delhi Gurgaon Road.

An area measuring 7 bighas 8 biswas was notified u/s 4, 6 & 17 of the Land Acquisition Act, 1894 under notification No.F.7(13)/77-L&B dated 16.12.1977. The land was required to be taken by the Government at the public expense for a public purpose namely for providing additional raised carriage-way of Delhi Gurgaon Road. The present acquisition is confined to an area measuring 7 bigha 8 biswas only.

MEASUREMENT & TRUE AREA

Necessary measurement was carried out by the field staff on the spot. Relevant revenue record was also consulted, the area measured correctly as 7bigha 08 biswas. The details of the land under acquisition are as under :-

<u>Kn.No.</u>	<u>Area</u> Big-Bis	<u>Kind of soil</u>
393/1	0-01	Parti Jadid
399/2 & 1/2 min	0-13	-do-
473/1/1	0-01	G.M.Rasta
473/2/1	0-11	Abpash
473/3/1	0-13	-do-
474/2	0-12	-do-
475/1	0-13	-do-
485/2	0-11	-do-
486/1	0-12	-do-
497/2	0-12	-do-
<u>498</u> 3,2,1/1	0-12	-do-
499/1	0-11	-do-

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526/2	0-01	G.M. Rasta
527/1	0-05	-do-
528/1	0-03	G.M. Khali
529/1	0-04	Abpash
<u>401</u>	0-01	Banjar
1, 2/1, 2/2		
<u>400</u>	0-12	Parti Jadid
1, 2, 2/3		
1		
G. Total: -		<u>7-08</u>

OWNERSHIP & OCCUPANCY

S.No.	Name of owner	Name of occupant	Kh. No.	Area	Kind of soil
1.	Devi Parshad s/o Bishamber Nath 498/1 (1-13) 33/39 share	Self	<u>498</u> <u>1, 2, 3</u> 1	0-12	Abpash
2.	Jeet Ram s/o Nanga <u>498</u> (0-6) <u>498</u> 2 3 6/39 share	Self			
2.	Ram Sarup, Ram Narain ss/o Maru, equal share	Self	<u>475</u> 1 <u>485</u> 2	0-13 <u>0-11</u> <u>1-04</u>	Abpash -do- -do-
3.	Sri Ram s/o Nihal	Self	<u>486</u> 1 <u>497</u> 2	0-12 <u>0-12</u> <u>1-4</u>	-do- -do- -do-
4.	Nain Singh, Amin Lal, Sheo Nath ss/o Sis Ram in equal share 3/4 share Santosh Singh, Raj Singh, Ram Karan ss/o Singh Ram in equal share 1/4 share	Self	474/2	0-12	Abpash

Contd..3....

5. Hari Singh, Tara Chand, Ari Chand s/o Moti Ram in equal share.	Self	499/1	0-11	Abpash
6. Ram Dhan s/o Ram Kishan	Self	393/1	0-01	Parti Zadid
7. Mool Chand, Rattan Singh, Karan Singh s/o Bhajan equal share three share, Suresh, Mohender Singh, Omi ss/o Smt. Shakuntla, Tripta daughters Smt. Shakuntla Tripta Sharbati wd/o Sh. Sita Ram, equal share, one share Mam Chand, Mehar Chand, Fateh Chand sons, Smt. Murti Devi daughters Smt. Kasturi Degi wd/o Khushi Ram equal share one share. Rate (1) share, Behari s/o Umrao, one share, Pokhar s/o Umrao , one share Bhim Singh, Dharam Singh, Rai Singh sons Smt. Dhan Kaur wd/o Ram Jas equal share one share Rate 1/2, Balbir, Munshi, Manji sons s/o Rati Ram equal share 1/2 Shri Ram s/o Brij Lal 1/2. Rate one share, Banwari, Bishamber, Piare Lal, Man Singh ss/o Har Narain, equal share One share Shankar s/o Tulsi Ram, one share, Rate 1/2	Self	<u>473</u> 2/1 <u>473</u> 3/1 529/1 <u>1-8</u>	0-11 0-11 0-13 0-4 <u>1-8</u>	Abpash Abpash -do- -do-
8. Ram Kishan s/o Harnam, 5/43 share Ganga Dutt s/o Kham Ram, 10/43 share Narain Singh s/o Ram Kishan 5/43 share Ram Kishan 5/43 share Ram Dhan s/o Ram Kishan, 23/43 share	Chander Hans s/o Kanwar Singh s/o Kanwar Singh <i>2 1/2 Biswas</i>	<u>399</u> <u>399</u> <u>399</u> 2 min	0-13 1/2 2 min	Parti Jadid
9. Piare Lal, Ragbir, Jeet Ram, Net Ram Ram Singh s/o Har Narain, equal share 20/95 share, Behari s/o Ram Sahai 15/95 share, Ram Dhan s/o Ram Kishan, 60/95 share.	Chander Hans s/o Kanwar Singh Qabiz	<u>400</u> <u>1 1/2/1</u> & <u>2/3</u> 2 1/2 Bis. 1	0-12 Parti	
10. Ram Dhan s/o Ram Kishan 401/1 min (0-11), 401/2/2 min (2-5), total 2-16, Behari s/o Ram Sahai . 401/1 min (0-5) Hardwar Lal, Panmeshwari Dass s/o Deeg Ram, 401/21 (0-6) Mool Chand s/o Prabhu, 401/2/2 min (0-5)	Self	<u>401</u> <u>1 1/2/1, 2/2</u> 1	0-01	Benjar
11. Geon Sabha	Self	472/1/1 527/1 526/2 528/1	0-01 0-05 0-01 0-03	G.M. Rasta -do- Rafaeam G.M. Khal

CLAIMS & EVIDENCE

Name	xxxxxxx No.	Kh No/area	Rate claimed	Evidence
1. Narain Singh		399/1,2	0-01 Rs.90/-p.sq.yds for land, 15 % solatium, 6 % Instt.	Nil
2. Ganga Dutt Knam Ram		399/3	0-10 -do-	-do-
3. Ram Dhan s/o Ram Kishan		401/2/2 9-00 393 (2100 sq.ft) 399,400/2 401/1	-do-	-do-
4. Benari Lal		401/1, 400 (2250 2/2 sq.ft)	-do-	-do-
5. Piare Lal, Raghbir, Chet Ram, Net Ram & Ram Singh s/o Har Narain		401/1 (2250 sq.ft)	-do-	-do-
6. Behari Lal s/o Umrao Shankar s/o Tulsi		473/2/1 (0-11) 473/3/1 (0-13) 529/1 (0-4) 530 (1-00)	Rs.30/-p.sq.yd 15 % solatium & Instt. Rs.1000/- for crops	-do-
7. Raj Kumar s/o Ishwar Dass Kapoor		397(200 sq.yds) 398	Rs.25/- p.sq.yds 15 % solatium & Instt.	-do-
8. Har Kishan Ahuja s/o Budha Ram		398 200 sq.yds 404/2(300 sq.yds)	-do-	-do-
9. Nand Lal s/o Bishan Dass		397 398	-do-	-do-
10. Mohinder Singh s/o Mange Ram		393 (250 sq.yds)	-do-	-do-
11. Mange Ram s/o Gurdial Singh, Trilok Chand s/o Mange Ram		397 300 sq.yds	-do-	-do-
12. Rishi Parkash s/o Mange Ram		393, 399 (250 sq.yds)	-do-	-do-
13. Jai Parkash s/o Mange Ram		393, 399 (250 sq.yds)	Rs.25/- p.sq.yds 15 % solatium & Instt.	-do-
14. Rama Devi w/o Mehinder Singh		393 (250 sq.yds)	-do-	-do-
15. Jagdish Chander s/o Nand Kishore		394 (200 sq.yds)	-do-	-do-
16. Shanti Devi w/o Sh. Jagdish Chander		-do-	-do-	-do-

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17. Ramesh Yadav s/o Nand Ki shore	398,404/1 404/2 (250 sq.yds)	Rs.25/- p.sq.yd 15 % solatium & Instt.	Nil
18. Shakuntla Devi w/o Rameshwar Yadav	-do-	-do-	-do-
19. Prem Vati w/o Piare Lal	393 (250 yds)	-do-	-do-
20. Jagdish Chander Yadav s/o Nand Ki shore Mohinder Singh s/o Mange Ram	393 (500 sq.yds)	-do-	-do-
21. Yashwant Singh s/o Balwant Singh	393 (240 yds)	-do-	-do-
22. A.C.Bhatia s/o I.D. Bhatia O.P.Bhatia s/o Ram Chander	393, 397 (240 sq.yds)	-do-	-do-
23. Har Singh	499/1	-do- (0-11)	-do-
24. Sri Ram s/o Nihal	486/1, 497/2 (0-12)	Rs.50/-p.sq.yds	-do-
25. Tara Chand r/o Kapashera	499/1 (0-11) -do-	-do-	-do-
26. Ami Chand Rost Vill.Kapashera	-do-	-do-	-do-
27. Smt. Bhagirithi Devi	498,502, (2-00)	Rs.50/-p.sq.yd of land	i) Copy of Will ii) Copy of sale deed iii) Photostat copy iv) Death Certi- ficate. v) Affidavit.
28. Emergency Suffers + Association Kapashera	<i>Claimed</i> Compensation or alternative plots		Nil

MARKET VALUE

The market value of the land under acquisition is to be determined with reference to the date of preliminary notification dated 16.12.1977. In assessing the market value of the land under acquisition, the material date, bonafide sale transactions of the land similarly circumstanced as also the awards for similarly situated lands made with reference to the date of notification u/s 4 are to be taken into consideration.

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In this Village the following awards are reported to have been made.

<u>Award No.</u>	<u>Date of notification</u>	<u>Rate awarded by LAC</u>
31/73-74	6.5.1972	Rs. 4200/- p. <i>bigha</i>
32/73-74	6-5-1972	Rs. 4200/- p. bigha
23/75-76	21.11.74	Rs. 2135/- p. bigha
<i>31/78-79</i>	<i>19-8-76</i>	<i>Rs. 2500/- p. bigha</i>

The material date in Award No. 31/73-74 and 32/73-74 is 6.5.1972 while in the present case it is 16.12.1977. Therefore, these two awards 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 two years earlier to that in the present case. So that this award also does not offer any guidance in assessing the market value in this case. However, the material date in Award No. 31/78-79 is 19.8.1976 which is quite near to that in the present case. The land acquired in this award is also very adjacent to the land under present acquisition. Hence, this award offers proper guidance in the instant case.

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

S.No.	Mutation No.	Date of sale	Kh.No.	Area	Consi-deration	Average P.B.
1.	0-4/131	25.8.75	473/6(3-10) 1/36 share	0-2	Rs. 60/-	Rs. 600/- p. b.
2.	0-4/132	25.8.75	473/7(4-16)	4-16	Rs. 90/-	-do-
3.	0-4/134	25.8.75	473/4, 1/36 share	6-00	Rs. 30/-	Rs. 600/-
4.	0-4/135	-do-	473/4, 1/36 share	(6.00) 0-03	Rs. 90/-	Rs. 600/-
5.	0-4/136	-do-	473/3, 1/36 share	455 (0-3)	Rs. 90/-	Rs. 600/-

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The average per bigha in the sale transactions of the above table is Rs. 600/- and the date of sale transactions is 25.8.1975 which is two years past to the material date in the present case. Therefore, these sales do not provide guidance to a considerable extent.

As already discussed, the ~~two~~ award No. 31/78-79 of this village wherein a rate of Rs. 2500/- per bigha was given, offers guidance in the present case. Moreover, the land acquired in this award is also adjacent to the land under present acquisition. The material date of this Award No. 31/78-79 is 19.8.1976, wherein one year and 4 months ^{is the} difference to the date of preliminary notification of the land under acquisition i.e. 16.12.77. For this period the land owners be allowed appreciation @ Rs. 6 % which works to be Rs. 200/-. After adding Rs. 200/- over and above Rs. 2500/- the total works out to be Rs. 2700/- per bigha. Accordingly, I assess Rs. 2700/- per bigha for land under acquisition.

OTHER COMPENSATION
WELLS, TREES & STRUCTURES

There is no Well, tree or structure on the spot under acquisition. Hence, no compensation is assessable on this account.

CROPS

Some crops are standing in an area 4.4 of the land under acquisition. Rs. 200/- per bigha is assessed for tree crops, which works to Rs. 840/- for Big. 4-4 Bis of land.

RASTA

No compensation is assessed for 0-10 for G.M. Rasta and G.M. Khal as it vests in the Gaon Sabha and is already in public use.

SOLATIUM

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

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LAND REVENUE : The land in question is assessed to a sum of Rs. 1-72 Ps. as land revenue. The sum will be deducted from the Khalsa Rent Roll of the village w.e.f. taking over the possession.

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INTEREST

Possession of 7 Big. 8 Bis. of land was taken over on 27.2.1978 under Sec. 17 of Land Acquisition Act. Interest u/s 28 of the Act has to be paid on the compensation assessed from 27.2.1978 to the announcement of the award.

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 Addl. Distt. Judge, Delhi u/s 30 and 31 of the Land Acquisition Act.

SUMMARY

1. Compensation for land measuring 6 bigha 19 bis. @ Rs. 2700/- p.bigha	Rs. 18,630-00 ✓
2. Compensation for land measuring 0-10 bis. as Gair Mumkin Rasta Khel etc.	Nil ✓
3. Compensation for crops	Rs. 840-00 ✓
4. 15 % Solatium	Rs. 2,920-50
Total:-	Rs. 22,390-50
Instt. @ 6 % annum w.e.f. 27.2.1978 to 11.1.1981 (2 years 320 days) on a sum of Rs. 22,390-50	Rs. 3,861-44 ✓
G. TOTAL:-	Rs. 26,251-94

(Rupees Twenty Six Thousand Two Hundred Fifty One and NINETY FOUR PAISA ONLY)

(Signature)
(J.M.L. BHATNAGAR)
LAND ACQUISITION COLLECTOR (MSW)
DELHI.

Received on
1/8/83
(Signature)

कार्यवाही का बड़ा रकबा तादादी ^{Big Bis.} 7-8 ग्राम जायसहेड़ा
 जेर आमदा नोटीफिकेशन फा. 4/17, 6 No. F.7(13)/77-1+B(i)(ii)
 दिनांक 16-12-1977

आज दिनांक 27-2-78 बसुंजब हुलम जनाब Land Acquisition
 Collector (MSW) ^{Delhi} साहब मोला पर ग्राम जायसहेड़ा बहमराह श्रीवेद सिंह
 पटवारी L.A. व श्री मोती लाल शर्मा पटवारी L.A. व श्री रघुनाथ चपड़ासी
 L.A. पहुँचे। महकमा Acquiring की तरफ से श्री Y. Sardana, A.E.
 P.W.D. VIII दिल्ली प्रशासन मय सटाफ भी मोला पर मौजूद मिले।
 वास्तुद्वारा में से श्री अमीचन्द S/O मोतीराम साबिक प्रधान मोला
 पर मौजूद है। आराजी जेर आमदा सबीम बसमूला नम्बरान खसरा
 393, 399, 400, 401, 473, 473, 473, 474,
 (0-1), (0-13), (0-12), (0-1), (0-1), (0-11), (0-13), (0-12)
 475, 485, 486, 497, 498, 499, 526, 527,
 (0-13), (0-11), (0-12), (0-12), (0-12), (0-11), (0-1), (0-5)
 528, 529 ^{Big Bis.} तादादी 7-8 ग्राम जायसहेड़ा की मोला पर

बजरिया जरीब अन्दाजी पैमाईश जल जे ब बुरजीयात खामतगा जल
 निसानदेही की गई। रकबा हजा में कुछ नम्बरान खसरा में जेहूँ व
 सरसों की जसल खड़ी है जिस की सूची अलग तया जल गई है।
 सोलिम रकबा ^{Big Bis.} 7-8 जो जल जावई मय जसल इस्तादा जे हासिल
 लिया गया और बजिन्स ही हवाला श्री Y. Sardana, A.E. P.W.D. VIII
 दिल्ली प्रशासन नुमाईन्दा महकमा Acquiring लिया गया। बरवक्स कार्यवाही
 जल जावई मजाहमत पेश नही आई। मुनादीव मुस्तहरी जावत तबदीली
 जल मोला पर देह हजा में बजरिया श्री रघुनाथ चपड़ासी L.A. बजावाज
 बुलन्द जराई गई। पटवारी हल्ला बजह दीगर जल सरजाल हाजिर नही
 आसका है लिहाजा एक्क नवल कार्यवाही जल जावई अमल देरामन्द दर
 जागजात माल पटवारी हल्ला जो बजरिये तहसीलदार साहब महरोली
 मिजवाई जवे और एक्क नवल महकमा Acquiring जो दी गई कार्यवाही
 जल मुकमत हो चुकी है लिहाजा रिपोर्ट मज है। 27-2-78

Garth Singh

27-2-78
 N.T. (L.A.)

Y. Sardana
 27-2-78
 A.E. P.W.D. VIII
 (D.A.)

Shrin Chand
 27/2/78

27-2-78
 Visingh pet
 27/2/78

Patwari L.A.
 27/2/78

PUBLISHED IN PART IV OF DELHI GAZETTE)
DELHI ADMINISTRATION: DELHI
NOTIFICATION

December 16, 1977

77-L&B/(1) :- Whereas it appears to the Lt. Governor, that land is likely to be required to be taken by the public at the public expense for a public purpose, namely additional raised carriage way of D Lhi-Gurgaon is hereby notified that the land in the locality below is likely to be acquired for the above

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

The exercise of the powers conferred by the aforesaid Act on the Lt. Governor is pleased to authorise the officers and workmen engaged in the undertaking with their and do all other acts required or permitted by that

The Lt. Governor being of the opinion that provisions of section (1) of section 17 of the said act are applicable to this land, is further pleased under sub-section 4 of said section, to direct that the provisions of section 17 of the said act do not apply.

SPECIFICATIONS

Total Area
Big. - Bis.

Field Nos. and Boundaries
Kh. Nos. Area
Big. - Bis.

7 - 08

393 min.	0	-	01
399 min	0	-	13
400 min	0	-	12
401 min	Less than Biswa.		
473/1min	0	-	01
473/2 min	0	-	13
473/3 min	0	-	13
474 min	0	-	12
475 min	0	-	13
485 min	0	-	11
486 min	0	-	12
497 min	0	-	12
498 min	0	-	12
499 min	0	-	11
526 min	Less than Biswa		
527 min	0	-	05
528 min	0	-	03
529 min	0	-	04

Total area 7 - 08

By order,

DEPUTY SECRETARY (L&B)
DELHI ADMINISTRATION: DELHI