

AWARD No. 43/88-87

Name of village : KASUM PUR
Nature of Acquisition: PERMANENT
Purpose of Acquisition: PLANNED DEVELOPMENT OF DELHI

These are the proceedings under section 11 of the Land Acquisition Act, 1894 for determination of compensation in respect of land measuring 63 bigha 17 biswa situated in village Kasum Pur. The land under acquisition was notified u/s 4 vide notification No. F4(98)/64-L&H dt. 23.1.65 and u/s 6 vide notification No. F4(98)/64-L&H dt. 6.4.66 of the Land Acquisition Act, 1894. In pursuance of the aforesaid notification notices u/s 9 & 10 of the Land Acquisition Act, 1894 were served upon all the interested persons, thereby inviting claims. The claims filed by them have been discussed under the sub-heading "~~Compensation and Claims~~"

Measurement

An area of 1305 bigha 06 biswa was notified under section 6 of the Land Acquisition Act, 1894 which was found to be 1300 bigha 07 biswa as per measurement. Out of this area, the following area ^{has been} ~~is~~ acquired in the following Awards:-

<u>Sn. No.</u>	<u>Award No.</u>	<u>Area</u>
1.	2181	184 - 12
2.	2181A	21 - 00
3.	2181C	838 - 10
4.	2181D	5 - 17
5.	2181B	163 - 16
6.	1901	10 - 00
7.	141	

Acquired before
the land was
notified u/s 6.

1223 - 15

Thus, out of ^{an area} 1300 bigha 07 biswa area measuring 1223 bigha 15 biswa has been acquired through the above awards. Now the remaining area of 76 bigha 12 biswa ^{is to be} ~~has been~~ acquired. Out of this area, 12 bigha 15 biswa comprising of khasra Nos, 584/520(10-05) and 611/532(2-10), for which the Hon'ble High Court has issued

- 2 -

Status-quo order, ^{are} ~~is~~ not being acquired in this case. Thus, the remaining area of 63 bigha 17 biswa is being acquired in this case. The court has issued stay dispossession order, The possession of the land will be taken after the stay is vacated by the High Court. The details of these khasra Nos. are given below:-

<u>Khasra No.</u>	<u>Area</u>	<u>Classification of land</u>
415/1	0 - 08 A	Ba-njar Kadin
421/1-2	2 - 08 A	-do-
426	7 - 11 B	Ghair Mumkin Khan
431	4 - 10 B	-do-
603/526/2	3 - 17 A	Banjar Kadin
527/2	3 - 08 A	-do-
525/2	2 - 05 A	-do-
410	30 - 13 A	-do-
411/2	2 - 12 A	-do-
414/2	1 - 10 A	-do-
638/616/545min 2 - 15 B		Ghair Mumkin Pahar & Bandh
638/616/545min 2 - 00 B		-do-
Total	63 - 17	

Compensation & Claims

The following claimants have filed their claims for compensation :-

<u>Sl.No.</u>	<u>Name of the claimant</u>	<u>Khasra No.</u>	<u>Compensation claimed.</u>
1.	Shibban s/o Jhandu Kinku s/o Ram Jas Ram Kishan, Ajit Singh Ram Chandar, Azad Singh Jaswant Singh s/o Bhartu of vill. Munirka.	410 411/2 414/2	Rs. 1500/- per sq. yds. per
2.	Sahib Singh, Sukhbir Singh Jagbir Singh, Raghubir Singh, Jai Chand & Jai Charan Rameshwar Singh, Satbir Singh Sheba Ram, Balbir Singh Khimman.	415/1 421/1 426 431 603/526/2 527/2 525/2	Rs. 1500/- per sq. yds.

Sl.No.	Name of the claimant	Khasra No.	Compensation claimed
3.	Hosiar Singh, Sardar Singh Sanwal Singh, Lakhman Singh ss/o Ram Chand R/o Village Munirka.	638/616/545	Rs.1500/-per sq. yds.
4.	Smt. Kela Devi w/o Kharan Singh R/o Mahipalpur.	525/2	Rs.50/-per sq. yds.

Market Value

In calculating the amount of compensation, ^{the} certain points u/s 23 of the Land Acquisition Act are to be kept in view. The land use is also to play an important role. The provisions of the Delhi Land Reforms Act are also applicable in this village and thus the restrictions as contemplated u/s 22 & 23 of the Delhi Land Reforms Act, 1954 are applicable and the land can only be used for agriculture, horticulture and animal husbandary etc.

The market value is to be assessed on the basis of rates prevailing on the date of notification u/s 4 of the Land Acquisition Act. All other relevant factors viz., situation, quality and potentiality etc. of the land are also to be considered for arriving at the reasonable market value. The provisions of the Delhi Land Reforms Act are also applicable in this village and the restrictions as contemplated u/s 22 & 23 of the Delhi Land Reforms Act, 1954 are also applicable to the land under acquisition and the land can thus be used for agriculture, horticulture and animal husbandary etc.

The interested persons claimed compensation at the rate ranging from Rs.50/-per sq. yds to Rs.1500/- per sq. yds but did not produce any documentary evidence in support of their contention. Hence, no reliance can be placed on their claims.

The land under acquisition was notified u/s 4 vide notification No. F4(98)/64-L&H dt. 23.1.65 and a number of awards have been announced out of the said notification. The details of the said awards are given below:-

Award No.	Rate Awarded	Date of notification u/s 4
2181	A - Rs.2000/- B - Rs.1500/-	23.1.65
2181A	A - Rs.2000/- B - Rs.1500/-	-do-
2181B	A - Rs.2500/- B - Rs.1500/-	-do-
2181C	A - Rs.2500/- B - Rs.1500/-	-do-

Since the date of notification u/s 4 is the same in all the awards mentioned above, these awards are most relevant to be taken as basis for arriving at the fair market value. The land under these awards ^{nos. 2181CA 2181D} was assessed at Rs.2500/-per bigha for Block -A and Rs.1500/-per bigha for Block - B. In the Reference u/s 18, the above rate was enhanced to Rs.5000/-per bigha for block -A and Rs.3000/-per block -B. The Govt. filed the appeal ^{against} this enhancement but the appeal was rejected by the Hon'ble High Court. The Legal Adviser advised to file an LPA against the order of the High Court. The decision of the LPA has not been made available so far. Thus, the Govt. has so far accepted the rate at Rs.2500/-per bigha for block -A and Rs.1500/-per bigha for block -B for the land acquired in the above awards.

The land under acquisition also forms part of different qualities. This land is divided into two blocks i.e. Block with 'A' will form of Banjar Kadin land & Ghair Appash) and Block 'B' will form of Ghair Munkin Pahar. The land under acquisition is similar in nature and adjacent to the land acquired in the above awards. It would be thus fair and just if the above market value is fixed in the present case. I, therefore assessed the market value @ Rs.2500/-per bigha for Block 'A' & Rs.1500/-per bigha for Block 'B' & award the same accordingly.

Tree, Structure & Well

There is no tree, structure and well on the land presently under acquisition and as such no compensation has been assessed.

Solatium

As provided under sub-section 2 of Section 23 of the Land Acquisition Act, the interested persons will be paid 30% solatium on the market value due to compulsory nature of acquisition as per provisions of the Land Acquisition (Amendment) Act, 1984.

Interest

Since the possession of the land has not been taken, the interested persons are not entitled for any amount of interest.

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Additional Amount

The interested persons are entitled for additional amount @ 12% from the date of notification u/s 4 till the date of award or date of possession whichever is earlier.

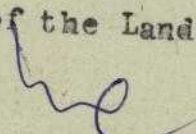
It appears from the record that Hon'ble High Court has issued status quo order in civil writ petition No. 1283/83 dt. 17-6-83 - Shri Sahib Singh Vs. UOI and civil writ petition No. 1282/83 dt. 17.6.83 - Shri Ram Kishan Vs. UOI. These orders were converted into stay dispossession vide its order dt. 29.8.83 which, according to our record, is still in force. Thus, they are not entitled for additional amount @ 12% from 17.6.83, the date of order of High Court. The interested persons are only entitled to additional amount @ 12% from the date of notification u/s 4 i.e. 23.1.65 till the date of order of the court.

Land Revenue

The land under acquisition is assessed to land revenue at Rs.9.95 which will be deducted from the Khalsa Rent Roll of the village from the date of taking over possession of the land.

Apportionment

The payment of compensation will be made to the interested persons according to the latest entries available in the revenue record. In case of any dispute arising in the apportionment of the compensation, the matter will be referred to the court of Additional District Judge : Delhi for adjudication u/s 30 - 31 of the Land Acquisition Act.



The Award is summarised as under :-

Summary of Award

Block 'A'	- Land measuring 47 bigha 01 biswa consisting of Banjar Kadim @ Rs.2500/-per bigha.	Rs. 1,17,625-00
Block 'B'	- Land measuring 16 bigha 16 biswa consisting of G.M. Khan, Pahar & Bandh @ Rs.1500/-per bigha.	Rs. 25,200-00
	Total	Rs. 1,42,825-00
	Selatum @ 30%	Rs. 42,847-50
	Total	Rs. 1,85,672-50
	Additional amount @ 12% w.e.f. 23.1.65 to 16.6.83 i.e. 18 yrs. 145 days.	Rs. 3,15,310-63
	Grand Total	Rs. 5,00,983-13

(Five Lacs, Nine Hundred Eighty Three & Paise Thirteen Only)

D.C., in his capacity, as Secretary (Revenue), is requested to kindly approve the above award.

(D.B. KUBRA)
Land Acquisition Collector (MW)
Delhi.

APPROVED
25/26
SECRETARY (REVENUE)

Amended in the
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RAFT NOTIFICATION UNDER SECTION 4 ACT, 1894.

981) 6424H -

dt 23 January 1965
Chief Commissioner, Delhi

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, Planned Development of Delhi. It is hereby notified that the land in the locality described below is likely to be required for the above purpose.

The 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 and 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.

Map showing the boundaries of land covered by this notification is available for inspection the office of the Collector, Delhi.

SPECIFICATION.

VILLAGE	TOTAL AREA BIG. & BIS.	FIELD NOS. OR BOUNDARIES.
Bumpur	1319-15	134/1 min, 551/1, 148/2 min, 146/2 min, 142 min, 143, 149, 607/150, 608/150 653/151, 152, 153, 655/160, 161, 162, 1/2 min, 167 min, 168 min, 631/169, 632/169, 170 min, 171, 557/172, 629/174, 630/173, 582/175, 583/175, 176 to 179, 627/180, 628/180, 181/1, 181/2, 182 to 189, 559/190, 561/191, 193 to 197, 620/198, 621/198, 199 to 202, 563/203, 206 to 422, 605/422, 606/422, 423 to 428, 577/429, 579/429, 430 to 441, 617/442, 618/442, 642/ 619/442, 643/419/442, 443 to 449, 588/ 451, 580/451, 580/452, 581/452, 626/453, 626/453, 454 min, 455, 622/456, 624/456, 572/ 457 min, 465/2 min, 513 min, 514 min, 515 min, 595/516 min, 896/516 min, 517, 525 min, 526 min, 527 min, 613/528, 614/528, 584/529, 585/529, 609/531, 610/531, 611/532, 533 to 537, 612 min, 514, 635/542, 636/542, 637/542, 543, 544, 637/545, 638/614/545, 639/616/545, 546, 547.

LAND ACQUISITION COLLECTOR (PD) -
DELHI.

By order

Sd/- K. L. Rathel

Housing Commissioner, Delhi
Administrative, Delhi

Dated 23 January 1965

(9)

st of Khasra Nos of village Kasoom Pur which are to be
quired on top priority basis.

No.	Khasra Nos.	Area Big. Bis.	Notification No.	dated
			F.4(98)/64-L&H	6.9.1966
	303	7 - 15 X	-do-	-do-
	410	30 - 13	-do-	-do-
	411/2	2 - 12	-do-	-do-
	414/2	1 - 10	-do-	-do-
	415/1	0 - 08	-do-	-do-
	421/1-2	2 - 08	-do-	-do-
	426	7 - 11	-do-	-do-
	577/429	2 - 04 X	-do-	-do-
	431	4 - 10	-do-	-do-
	464/1	0 - 00	-do-	-do-
	464/2	1 - 14 X	-do-	-do-
	525/1	2 - 05	-do-	-do-
	603/526/2	3 - 17	-do-	-do-
	527/2	3 - 08	-do-	-do-
	584/529	10 - 05	-do-	-do-
	611/532	2 - 10	-do-	-do-
	616/545	4 - 15	-do-	-do-
		<u>88 - 05</u>		

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DRAFT NOTIFICATION U/S 6 OF THE LAND ACQUISITION ACT, 1894.

F4(98)/64-LAH dt. 6-9-1966.

Chief Commissioner

Whereas it appears to the L.A. Delhi that land is required for a ~~xxx~~ public purpose, namely for the

Planned Development of Delhi

it is hereby notified that the land described in the specification below is required 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.

Locality or village	Total Acres	FIELD NOS. Or Boundaries
		Boundaries.
Kasoom Pur.	1305-06,	<u>Begla - Biswa</u> 134/1/2, 551/1, 148/2/2, 146/2/2, 142/2, 143, 149, 607/150, 608/150, 553/151, 152, 153, 555/160, 161, 162/2/2, 167/3, 168/2, 631/169, 632/169, 170/2, 171, 557/172, 629/174, 630/174, 582/175, 583/175, 176 to 179, 627/180, 628/180, 181/1, 181/2, 182 to 189, 559/190, 561/191, 193 to 197, 620/198, 621/198, 199 to 202, 563/203, 206 to 421, 605/422, 606/422, 423 to 428, 578/429, 579/429, 430 to 441, 617/442n, 618/442, 642/619/442, 643/619/442, 443 to 450, 588/451, 589/451, 580/452, 581/452, 625/453, 626/453, 454/2, 455, 622/456, 624/456, 572/457/2, 513/2, 514/2, 515/2, 596/516/2, 517, 525/1, 603/526/2, 604/526, 527/2, 613/528, 614/528, 584/529, 585/529, Land Acquisition Collector (Sd) 610/531, 612/532, 533 to 537, 541, 635/ 542, 636/542, 637/542, 543, 544, 615/545, 546, 547, 638/616/545, 639/616/ 545,