

Order No. 41 FOR THE YEAR 2008-09.

Made by Sh. Vatsal Vashisht, Land Acquisition Collector, Gurgaon.
Acquisition for 22.48 acres land of Village Nangli Amarpur,
H.B.No.82, Tehsil and District Gurgaon.

AWARD

The Urban Estates, Deptt. Haryana Govt. vide notification No LAC(G) 2008/NTLA/1461 dated 24-6-08 published in the Haryana Government Gazette (Extra-ordinary) on the same date under section 4 of the Land Acquisition Act, 1894(herein after referred to as Act) read with urgency section 17(1) of the Land Acquisition Act, notified that the land measuring 22.83 acres is to be needed by the Govt. at public expenses for public purpose namely for the development and utilization of land for sector roads for sector 58 to 67 at Gurgaon as in the development plan under the Haryana Urban Development Authority Act, 1997 by the Haryana Urban Development Authority in area of village Nangali Amarpur H.B.No. 82 Tehsil and Distt. Gurgaon.

Subsequently declaration u/s-6 of the L.A.Act was issued on 14-7-08, vide notification no. LAC(G)-NTLA/2008/1467 vide which 22.83 acre of land was declared for acquisition. The State Govt. declared that the land under acquisition is needed for aforesaid public purpose. The Land Acquisition Collector, Urban Estates, Haryana Gurgaon, was also directed u/s-7 of the Act to take order for acquisition of land in question.

AREA OF THE LAND

The area given in the declaration u/s-6 of Act was 22.83 acres. The Director, Urban Estates, Haryana vide its Memo No. 6890 dated 10/7/2009 and DTP, Gurgaon vide Memo No. 3576 dated 11/8/2009 mentioned certain area which was to be excluded from the award on account of the fact that the Licenses/ LOIS had been granted with regard to this land. The present award details with 22.48 acres. The area under the award has been measured at the spot by the field staff u/s-8 of the L.A.Act and the same has been found correct. The details of this area are given in award statement which has been prepared according to para 36-I of the financial Commissioner standing order no. 28. The details of acquired khasra Number & area under this award is as under:-

Khasra No.	K	M
18/1min	0	7
18/2min	2	15
18/3min	0	5
22min	2	2
23 min	7	13 ✓
24min	0	10
21min	0	1
2min	0	4
3/1min	4	0
3/2min	3	8 ✓
4min	3	3
7min	6	2
8min	4	13 ✓
13min	1	15

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9//1min	7	3 ✓
9//6min	3	19 ✓
9//17/1min	1	0
9//17/2min	4	19
9//18min	0	1 ✓
9//24min	3	10
9//25min	6	17 ✓
12//4min	0	9
12//5min	7	17 ✓
12//6/1min	3	17 ✓
12//6/2min	2	12
12//15min	3	0
12//16/1min	0	5
13//1min	1	18 ✓
13//10/1min	0	12
13//10/2min	4	4 ✓
13//11/1min	5	3
13//11/2min	2	6
13//12min	0	5
13//19min	2	12 ✓
13//20min	6	15 ✓
13//21min	5	2
13//22min	5	13
20//1min	2	3 ✓
20//2min	7	16
20//3min	0	15 ✓
20//8/1min	0	4
20//8/2min	2	0
20//9min	7	2
20//10min	0	2
20//12min	4	5 ✓
20//13min	6	10
20//17min	1	10 ✓
20//18min	7	18 ✓
20//19min	1	6
20//23min	6	7
20//24/1min	0	11 ✓
20//24/2min	3	18 ✓
23//3/1min	0	12
23//3/2min	2	16 ✓
23//4min	2	16 ✓
23//5min	0	3
23//7min	1	3
And khasra No 12	4	1

TOTAL: $180 - 15 = 22.48$ Acre

The above said detail of the land was intimated to the land owners/interested persons through notices u/s-9 of the L.A. Act and was read over to them, before the announcement of the award. None of the interested persons raised any objections regarding the detail of the land under acquisition.

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MAND OF THE OWNERS AND OTHERS INTERESTED PERSONS:-

The notices u/s-9 of the Act were issued to the land owners and other interested persons for 4-8-09, to appear before the Land Acquisition Collector, Gurgaon, personally or through duly authorized agents to file their claims regarding the compensation and their objections if any, to the measurement of the land. The right holder/interested persons who turned up for hearing did not submit any documentary proof in support of their contentions nor laid any evidence to substantiate their claims.

MARKET VALUE:-

In order to arrive at a conclusion about the market value of the land under Acquisition, I have visited the land under acquisition and taken into consideration its location and potentiality. To fix the market value, the Haryana Government has constituted a Divisional Level Land Rates Fixation Committee under the Chairmanship of concerned Commissioner of the Division. The District Collector Gurgaon who is the member of the said committee, was requested vide letter No. 5321-24 dated 21.8.08 to supply the market value price of land under acquisition. The rate was fixed by the Divisional level land Rate Fixation Committee and the same was supplied by the Ld. District Collector, Gurgaon, @ Rs. 70,00,000/- (seventy lakhs) per acre for all kinds of land vide letter No.3506-15/ DRA dt 2-3-2009.

Keeping in view, the above discussion and market rate intimated by the Ld. District Collector, Gurgaon, I have come to the conclusion that the rates fixed by the Divisional Level Land Rates Fixation Committee, Gurgaon are just and fair. So, I award the same accordingly.

STRUCTURES/TUBE WELL:-

There are some structure on the acquired land. The value of the structure has not been assessed by the Executive Engineer, HUDA, Division No. 1, Gurgaon. So, the award could not be announced. After receipt of the assessment, the supplementary award would be announced.

COMPULSORY ACQUISITION CHARGES:-

In addition to this, on account of compulsory nature of acquisition, 30% compulsory acquisition charges are allowed and additional amount on market value at the rate of 12% per annum will also be allowed under section 23(1-A) of L.A.Act, from the date of notification u/s-4 i.e. 24-6-08 to the date of announcement of award i.e. 12.8.2009 as provided in the amended L.A.Act 1984.

INTEREST:-

As the possession has been taken over after offering the amount of compensation of the land and the same has been handed over to the representative of Estate Officer, HUDA, Gurgaon, vide Rāpat No. 1122 dated 12-8-09, entered in the Rōznamcha Wakāyati Patwari Halqua Badshapur. Hence, no interest is payable to the land owners after the day of the award.

MODE OF PAYMENT:-

The payment will be made to the land owners and other interested persons according to their rights and shares as entered in the latest record of rights (Jamabandi) and keeping in view the mutations sanctioned thereafter. In case any dispute arises as to the apportionment, the compensation amount will be kept in L.A.C. account till the parties come to an amicable settlement. If the parties do not come to an amicable settlement, the case along with compensation amount will be referred to the court of law for decision. The detailed apportionment is given in award statement attached with the award file..

POSSESSION OF THE LAND:

The possession of the land acquired vide this award except for which the owners/interested persons have obtained stay order from any court of law, has been taken over after offering the compensation to the land owners/interested persons, vide Rapat No. 1122 dated 12.8.2009 entered in the Roznamcha Wakayati of Patwari Halqua Badshapur. The land thus acquired, of which the possession has been taken, vests in State of Haryana and on transfer now, vests in Haryana Urban Development Authority, free from all encumbrances, from today, i.e. 12-8-2009.

CONCLUSION:

Subject to the above remarks, this award stands as below:

- | | | |
|----|---|----------------|
| 1. | Compensation of land | 15,81,56,250/- |
| 2. | Compulsory acquisition | 4,74,46,875/- |
| | Charges @ 30% on item No.1 above. | |
| 3. | Addl. Amount @ 12% p.a. as per | 2,15,26,582/- |
| | Section 23(1-A) of the Land Acquisition | |
| | (Amendment) Act, 1984 on item No.1 above. | |

Total: 22,71,29,707/-

(Rs. Twenty two Crore seventy one lac twenty nine thousand Seven hundred seven only).

Announced this 12th day of August 2009 in the open court in the presence of the land owners/interested persons who appeared before me. The award is now filed in my office.

Place:-Gurgaon.
Dt. 12.8.2009.

Land Acquisition Collector,
Gurgaon.