

OFFICE OF THE DEPUTY COMMISSIONER, JAMMU.

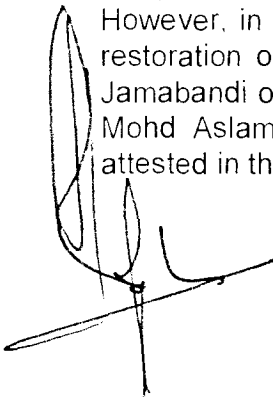
Sub:- Acquisition of 182 kanals and 9 marlas of land situated in village Gharani, Tehsil R.S.Pura for Public purpose namely rehabilitation of displaced persons (allottees) of 1947 from POK. Notification No.1 of 2013 dated 15-02-2013 issued by the Revenue Department In terms of Section 14-A of the State Evacuee's (Administration of Property) Act Sambat 2006 for the same.

FINAL AWARD

Land measuring 182 kanal 09 marla situated at village Gharani Tehsil R.S.Pura, District, Jammu was initially held by Allah Ditta son of Hakim Gujjar in ownership rights. But after the holocaust of 1947, this land was declared by the Evacuee Property department as evacuee land and allotted to the displaced persons of 1947 from POK on regular basis.

In the year 1968 an application was, filed by Mohd Aslam and Mohd Syed sons of Krim Bux, who claimed themselves to be the grandsons of Allah Ditta, before the Custodian under Section 8 of the Evacuees Property Act stating therein that Allah Ditta never migrated to Pakistan in the holocaust of 1947. Rather he died here in his native Village. His property has, therefore, wrongly been declared as evacuee property. A request was, therefore, made that whole of this land be deleted from the records of Evacuee's Department and restored to them being the only surviving members of that family.

The applicants succeeded in establishing their claim and vide order dated 17-04-1971, whole of this land measuring 182 kanal and 9 marla was deleted from the Evacuee Property records and restored to the applicants by Assistant Custodian (Tehsildar), R.S.Pura. But as whole of this land stood allotted to the displaced persons of 1947 from POK, whose possession could not legally be disturbed, physical possession of the same could not, therefore, be delivered to the restorees. Even, as per assessment made by the then Tehsildar, alternate State Land to be provided to the applicants in lieu of their land so restored to them was, also not available. A proposal was therefore, made out in terms of Section 14-A of the Evacuee's (Administration of Property) Act to grant compensation of the said land to the applicants under due process of law. However, in the meanwhile inheritance of Allah Ditta deceased, on the basis of restoration order, in respect of his land, falling in Khewat No. 9 and 11 of the Jamabandi of the Village Gharani for the year 1958-59 was mutated in favour of Mohd Aslam and Mohd Sayed sons of Karim Bux through mutation No.285 attested in their favour by the Tehsildar on 31-01-1979.



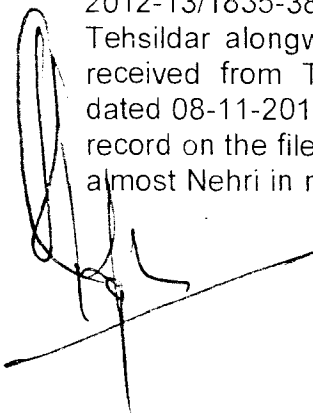
It may be noted here that while restoring this property to the applicants. Khasra No.172/112 instead of real Khasra No.173/112 was wrongly entered in the order of the Assistant Custodian. Correction was ultimately made by the Custodian under his revisional order passed on the revision so filed by the applicants for that purpose and Khasra No.73/112 also got restored.

It also appears from the record on the file that Mohd Sayed one of the restorees died issueless soon thereafter and his share in the restored land was also mutated in favour of Mohd Aslam (his brother) through mutation No.554 attested on 09-02-2012.

Subsequently, the Custodian General, after taking note of all relevant facts of the case, recommended this case to the Revenue Department on 14-12-2012 for issuance of Notification under Section 14-A of the State Evacuee's (Administration of Property) Act for purpose of payment of land compensation to the restoree. This has been done vide notification No.1 of 2013 dated 15-02-2013, bearing endorsement No.Rev/EP/56/2012 dated 15-02-2013, issued by the Revenue Department, in exercise of the powers conferred by Section 14-A of the E.P. Act of Sambat 2006, as amended, vide Act No.XIX of 1987, subject land measuring 182 kanal and 9 marla falling under Khasra Nos.73, 73-Min & 173/112 of Village Gharani has been directed to be acquired for the rehabilitation of displaced persons (allottees) of 1947 from POK.

As per above mentioned notification, install case for acquisition of this land has been entrusted to Assistant Commissioner (Rev) as Collector Land Acquisition with a direction that before assessing the compensation, he shall take into account all relevant provisions of the Agrarian Reforms Act, Big Landed Estate Abolition Act Svt, 2007, Evacuee Property (Administration of Property Act) or other relevant laws right from the date of deletion of the property from the EP records till the assessment of compensation, in regard to the actual entitlement of the restoree's right to hold property with reference to land ceiling laws etc. and ensure, among other things that the person in whose favour compensation is apportioned is the only legal heir of the proprietor and that there is no other claimant to receive the apportioned compensation.

Pursuant to the directions contained in Notification No.1 of the 2013, revenue documents of the aforesaid land in triplicate and a verification report with regard to the entitlement of the restoree from out of the land so restored to him with reference to the ceiling area prescribed under the Agrarian Reforms Act was called from Tehildar, R.S.Pura under this office letter No.DCJ/LA/Rets/Gharani/2012-13/1835-38 dated 22-03-2013 and dated 30-08-2013. The report of the Tehsildar alongwith revenue documents including Shajra of the land has been received from Tehsildar, R.S.Pura vide his office No.RSQ/OQ/2013-14/1338 dated 08-11-2013 and this forms part of the record of the file. It appears from the record on the file that the land so restored to the applicant namely Mohd Aslam is almost Nehri in nature. Thus, keeping in view the real status of the land as Nehri



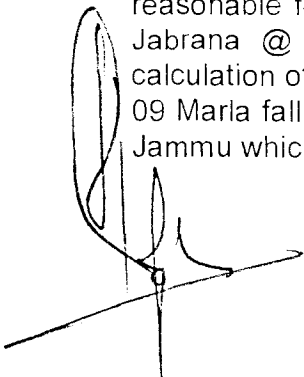
in view, the ceiling area which the restoree could other-wise be able to retain under the Agrarian Act and would, as per verification report of the Tehsildar, be 71 Kanal & 09 Marla only. And, this part of the land has been set apart for the restoree by the Tehsildar from out of Khasra No.73.

At the same time market rate of the land presently prevailing in the village with last three years average sale rates have also been intimated by the Tehsildar. Average sale rate, according to the statement appended to the report of the Tehsildar, comes to Rs.45,685/- per kanal while present market rate has been placed by him as Rs.63,000/- (Rupees Sixty three thousands) per kanal. As to his status, the restoree is reported to be the only surviving legal heir of Alla Ditta, as his other brother Mohd Syed, who also inherited the property of the deceased land owner as per restoration order, has now died issueless. Thus, his share in the land also now stands devolved on Mohd Aslam and land compensation in respect of the subject land measuring 71 Kanal & 09 Marla bearing Khasra No.73-Min has to be assessed in his name.

Thus, after going through the revenue documents of the subject land, report of the Tehsildar and other material available on the file, notice under section 9 and 9-A of the Land Acquisition Act was issued by this Collectorate on 01-02-2014 thereby calling upon all persons interested in the said land to attend personally or through the duly authorized agent to this office on or before 26-02-2014 to state the nature of their interest in the land and amount and particulars of their claim to compensation for such interest, if any. Tehsildar R.S.Pura was specially asked to serve the notice on the concerned persons and return the same within the time limit prescribed therein. Manager, Government Ranbir Press, Jammu was also requested to publish the notice in the next issue of the Government Gazette.

The notice is returned by Tehsildar, R.S.Pura, vide his letter dated 25-02-2014, after placing it at a conspicuous place in the village in presence of village Guard and other responsible persons. Notice was also served on Mohd Aslam and his statement was also recorded by him on 05-11-2013. Who was having no objection in regard to the measurement of the land etc.

As stated hereinabove, the rate of irrigated land of village Gharani has been reported by the Tehsildar as Rs.63,000/- per kanal. This is equivalent to the rate of irrigated land fixed by the Deputy Commissioner as Chairman District Valuation Committee, Jammu, for Stamp Duty purposes for the year 2013-14. Thus rate of land as Rs.63,000/- per kanal in the present case is apparently reasonable for adoption. In addition, the acquisition being compulsory in nature, Jabrana @ 15% has also to be allowed to the interested persons. Thus calculation of compensation payable for the subject land measuring 71 Kanal and 09 Marla falling under Khasra No.73 of village Gharani, Tehsil R.S.Pura, District, Jammu which is Nehri shall be as under:-



- i. Cost of 71 Kanal & 09 Marla of land = Rs.45,01,350/-
at Rs.63,000/- per kanal
- ii. Jabrana at 15% = Rs. 6,75,202/-

Total:- = Rs.51,76,552/-

APPORTIONMENT STATEMENT OF VILLAGE GHARANI, TEHSIL R.S.PURA.

Name of interested person	Khewat No.	Khasra No.	Land		Rate per kanal	Cost of land	Jabrana @ 15%	Total Compensation
			Kanal	Marla				
Mohd Aslam S/o Karim Bux Gujjar	9	73-Min	71	09	63,000/-	45,01,350/-	6,75,202/-	51,76,552/-
Total:-			71	09	63,000/-	45,01,350/-	6,75,202/-	51,76,552/-

As per standing instructions, it is further clarified:-

1. That the funds shall be arranged by the Government, Revenue Department Civil Secretariat to meet the cost of acquisition in this case;
2. That the land brought under the Award has neither been acquired earlier nor any compensation/amount paid therefor;
3. That no acquisition proceedings are going on with any other Collector for the said land; and
4. That the standing instructions contained in Government Circular No.Rev(LB) 10/80 dated 20-04-1998 issued by the Revenue Department shall be kept in view, while releasing the assessed amount of compensation.

Draft Award amounting to Rs.51,76,552/- (Rupees Fifty one lacs, seventy six thousand, five hundred & fifty two only) for 71 Kanals & 09 Marlas of land @ Rs.63,000/- per kanal situated at village Gharani, Tehsil R.S.Pura, District, Jammu was issued vide this office No.LA/ACR/D-Award/Restoree/Gharani/2013-14/1534 dated 29-03-2014 and submitted to the Deputy Commissioner, Jammu for favour of approval of rate of compensation in the present case.

The Deputy Commissioner, Jammu placed the case before the Committee of Collectors land Acquisition in their meeting held on 09-05-2014.


Keeping in view the Stamp Duty Rates for the year 2013-14 and 2014-15 in respect of irrigated classification of land, the rate of Rs.65,000/- per kanal unanimously approved by the Committee of Collectors for adoption in the instant case. The minutes of meeting has been conveyed to this office vide No.DCJ/LHS/MoM-090514/AoR-146/92 dated 26-05-2014. Accordingly, the apportionment statement as per the approved rates is drawn as under:-

APPORTIONMENT STATEMENT OF VILLAGE GHARANI, TEHSIL R.S.PURA.

Name of interested person	Khewat No	Khasra No	Land		Rate per kanal	Cost of land	Jabrana @ 15%	Total Compensation
			Kanal	Marla				
Mohd Aslam S/o Karim Bux Gujjar	9	73-Min	71	09	65,000/-	46,44,250/-	6,96,637/-	53,40,887/-
Total:-			71	09	65,000/-	46,44,250/-	6,96,637/-	53,40,887/-

Now, therefore, I, Thakur Sher Singh KAS, Collector Land Acquisition, Assistant Commissioner (Rev), Jammu issue the Final Award amounting to Rs.53,40,887/- (Rupees Fifty three lacs. forty thousand, eight hundred & eighty seven only) on account of compensation of 71 Kanals & 09 Marlas of land situated at village Gharani, Tehsil R.S.Pura, District, Jammu @ Rs.65,000/- per kanal.

The notices under section 12(2) of the Land Acquisition Act Svt, 1990 shall be issued to the land owners/interested persons through Tehsildar, Jammu.


Collector Land Acquisition,
Assistant Commissioner (Rev),
Jammu.

No:-LA/ACR/F-Award/Restoree/Gharani/2014-15/194-200

Dated: 09-06-2014

Copy to the:-

01. Financial Commissioner (Revenue), J&K Govt. Srinagar for kind inf.
02. Divisional Commissioner, Jammu for kind information.
03. Commissioner/Secretary to Government, Revenue Department, J&K Srinagar with the request that kindly provide the awarded compensation to this office so that the same can be disbursed to the land owners/interested persons.
04. Deputy Commissioner, Jammu for kind information.
05. Custodian (Ex-Officio Provincial Rehabilitation Officer), Jammu for kind information.
06. District Informatics Officer, (NIC) Deputy Commissioner Office, Jammu for n/a.
07. Tehsildar, R.S.Pura with the remarks that he may effect the award in the Revenue record by attesting Mutation. Moreover, Acquittance Rolls be prepared in triplicate and furnish to this office duly verified under Agrarian Reforms Act, 1976 at the earliest.