



GOVERNMENT OF JAMMU AND KASHMIR
OFFICE OF THE COLLECTOR, LAND ACQUISITION
J&K ECONOMIC RECONSTRUCTION AGENCY
2nd FLOOR COMMERCIAL COMPLEX, RAMBAGH SRINAGAR, KASHMIR



Order No: 01/ERA/LA/18
Dated: 12-7-2018

Subject:- (a) Court Judgment Dated: 25-11-2017 before the court of Principal District Judge Srinagar. (b) Hon'ble High Court order dated: 27-02-2018 in case No: CIA05/2018 MPNo: 012018 in the case of Mohammed Maqbool Dar V/s Collector ERA Kashmir - Regarding Compensation land measuring 04 Marlas 6 ½ Sirsai.

1. Whereas the project Manager (Urban) J&K ERA Kashmir Vide his No ERA/PM-U/09/2993-94 placed an indent for construction of Pohru Chanapora Drainage Scheme in estate Natipora Tehsil Srinagar South.
2. Whereas the Tehsildar (South) Srinagar vide his No: 54/OQ/TES/10 Dated: 19-04-2010 has furnished the shajra Khasra and other relevant revenue papers for land measuring 02 kanal 03 marlas 1 ½ sirisai bearing survey nos 4438/3078 min (12 marlas) 4440/3077 4441/3077 in (01 Kanal 11 marlas 1 ½ sirisai) of estate Natipora tehsil South Srinagar. And the indenting department has authenticated shajra Khasra for land 02 kanal 03 1 ½ sirisai in token of its correctness.
3. Whereas land measuring 02 kanal 03 marlas 1 ½ sirisai mention above in para No 2 notified under section 4(1) of J&K Land acquisition Acts samat (1990) Vide this office No 107-23/LA/ERA Dated: 22-04-2010.
4. Whereas in response to notification under section 4(1) the land owner namely Mohammed Maqbool Dar S/o Abdul Aziz Dar R/o Solina Srinagar filed objections within stipulated period for denotification of the said patch of land and instead of this land, notify the alternate patch of land on spot, the objections referred to indenting department Vide this office No: 187-89/LA/ERA Dated: 18-05-2010 for perusal and necessary action.
5. Whereas the objections filed by the land owner were accordingly considered and rejected vide project manger No: ERA/PMU/10/343-44 Dated 22-05-2010.
6. Whereas the case was placed before private negotiations committee on 26-06-2010 and failed as the land owner demanded high rates and it was communicated Vide Deputy Commissioners No:DCS/LAC/1900/436-40 Dated: 04-10-2010 to initiate the acquisition process through compulsory mode of acquisition.

7. Whereas on the advice of District collector Srinagar the case was initiated through compulsory mode of acquisition. The case was submitted to district collector (Deputy Commissioner Srinagar) for issuance of declaration under section 6 and 7 of J&K State land acquisition act Vide this office No 642-643/LA/ERA Dated: 07-10-2010.
8. Whereas the declaration under section 6 of J&K State Land Acquisition Act having been issued by the District Collector (Deputy Commissioner Srinagar) under notification No: 43 DCS of 2010 under endorsement No DCS/LAC/1900/496-502 Dated: 26-10-2010, that the land required for public purpose and collector ERA Kashmir was directed under section 7 of said act to start the proceedings for acquisition of the land mentioned above at Para-3.
9. Whereas after receiving the declaration 6&7 of the state land acquisition act the notification under section 9 and 9A was issued Vide No: 709-718/LA/ERA Dated: 01-11-2010 for the land mentioned above at Para-3.
10. Whereas the objector Mohammed Maqbool Dar S/o Abdul Aziz Dar R/o Solina owner filed the objections on 07-12-2010 for higher compensation of 80 lacs per kanal or for allotment of alternate site be considered instead of payment of compensation to rehabilitate his sons either the proceedings for acquisition of land of objector be dropped or he may be given alternate Government land.
11. The claims of the objector were rejected because there was no documentary proof of such rates either in the village or through sale deed.
12. Whereas rate of 30 lacs per kanal including (Trees) under this acquisition approved (The acquisition process has been initiated through compulsory mode of acquisition, Jabirana 15% is allowed.
13. Whereas recorded entry of land in question is 01 Kanal 18 Marlas 04 Sirsai and the land measuring 02 Kanal 03 Marlas 1 ½ Sirsai is under the possession of the land owner on spot. The compensation amount of land measuring 04 Marlas 6 ½ Sirsai was be released as and when the title is decided or revenue documents regarding ownership (for land measuring 04 Marlas 6 ½ Sirsai) are produced by owner only then the compensation for this area of land acquired will be released. The total compensation for the land 02 Kanal 03 Marlas 1 ½ Sirsai including jabirana 15% Rs 7446248=00 approved/ announced.
14. Whereas the administrative department conveyed notification No 20- RD of 2011 under section 17-A of state land acquisition act and received Vide Commissioner/Secretary to Government Revenue Department endorsement No: Rev/LAK/03/2011 Dated: 19-04-2011.

15. Whereas the 80% of compensation allowed as the possession of the land was taken.
16. Whereas the tentative award announced on 25-04-2011 Vide this office No; 75-76/ LA /ERA and the case submitted to the Deputy Commissioner Srinagar (District Collector) for accord of approval.
17. Whereas the Hon'ble High Court of J&K in OWP No; 1650/11 Dated: 08-4-2013 in the case titled Mohammed Maqbool Dar V/s Sate have passed directions to pass a final award in accordance of the rules within four weeks from the date of receipt.
18. Whereas the Deputy Commissioner (District Collector Srinagar,) has accorded the approval Vide his No: DCS/LAC/1880/507 Dated: 27-08-2011 with the direction to go ahead, that stamp duty rate for such land in the areas should be the bench mark for compulsory acquisition rates to be adopted by the collector.
19. Whereas as per the stamp duty rate Rs 20 Lac per Kanal award amounting of Rs 49,64,165=00 only was approved against the tentative award of Rs 7446248=00 for the land measuring 02 Kanal 03 Marlas 1 ½ Sirsai and the excess amount Rs 884222=00 be recovered from the land owner as the arrears of the land revenue under J&K land acquisition act announced/approved.
20. Whereas the final award was announced on 03-07-2013 Vide this office No: 297-303/LA/ERA Dated: 03-07-2013.
21. Whereas the application presented submitted to Principal and District Judge for favour of necessary action under law in reference to the section 18 of land acquisition act.
22. Whereas the court judgment dated: 25-11-2017 issued by Hon'ble Court of District Judge Srinagar and the Hon'ble High court orders No CIA05/2018, MPNo: 01/2018 Dated: 27-02-2018 passed the judgment, that the applicant is entitled to compensation of acquired land at 30 lacs per kanal with 15% solatium (Jabirana). The applicant is also entitled to interest @ 6% per annum on the enhanced compensation i.e. the compensation in excess to the sum awarded by the non-applicant from the date of non-applicant took our possession of the acquired land to the date of this order and the rate of 9% per annum from the date of the order till payment of enhanced excess compensation amount or its deposit in the court.
23. Whereas the case was forwarded to Mr Moomin Khan learned Advocate legal counsel of ERA Vide this office No: 247/LA/ERA Dated: 31-03-2018 for his legal advice in the above mentioned case the Hon'ble Advocate in his opinion

advised to release the amount with interest as directed by the Hon'ble High Court at Srinagar, so as to avoid any dereliction of court orders.

24. Whereas the total compensation for the land measuring 01kanal 18 Marlas 04 Sirsai with interest till date 31st March 2018 worked out Rs 7601719=00 out of which an amount of Rs 53,05,332=00) already paid, the left amount of Rs 2296387=00 was also ~~been~~ paid to the land owner after proper receipt.
25. Whereas the compensation of land measuring 04 Marlas 6 ½ Sirsaia as mention in tentative/final award is allowed only as and when the documentary evidence produced.
26. Whereas in response this office letters No: 05/LA/ERA /2018 Dated: 23-04-2018 and 30-32/LA/ERA/2018 Dated: 04-06-2018 the Tehsildar Natipora/Chanapora furnished the revenue documents i.e Jamabandi, Girdawari & Aksi Shajra Vide his No:303/N/TCH/18 Dated : 29-06-2018 which reveals that the applicant Mohammed Maqbool Dar S/o Abudl Aziz Dar R/o Solina Srinagar owned 02 Kanal 04 Marlas land under survey No: 3079 in estate Natipora out of which 01 Kanal 18 Marlas 04 Sirsai already stands mutated in the name of ERA and the remaining land 05 Marlas 05 Sirsai are still intact in revenue records in the name of Mohammed Maqbool Dar S/o Abdul Aziz Dar R/o Solina Srinagar.
27. On the basis of above mention facts and in light of communication No: 303/N/TCH/18 Date:29-06-2018 from Tehsildar Chanapor/Natipora it is clear that land measuring 04 Marlas 6 ½ Sirsai is propriety land of Mohammed Maqbool Dar S/o Abdul Aziz Dar R/o Solina for which the amount of compensation has not been disbursed till date.And accordingly an amount of Rs 814583=00 @ 30 Lac per kanal is worked out including 15% jabirana as per tentative award issued by this office Vide No: 75-76/LA/ERA Dated: 25-04-2011 is hereby released in favour of the land owner Mohammed Maqbool Dar S/o Abdul Aziz Dar R/o Solina Srinagar.

No - 54-58/LA/ERA
Dt - 12-07-2018

Collector
Land Acquisition,
J&K ERA, Srinagar. 12.07.18

Copy to the:-

1. Chief Executive Officer, J&K ERA for kind information.
2. Director (Finance), J&K ERA for information.
3. Director (Kashmir), J&K ERA, Srinagar for information.
4. Project Manager (T), J&K ERA, Srinagar for information.
- ✓ 5. System Manager, J&K ERA, Srinagar for digitization of the same.