

OFFICE OF THE COLLECTOR LAND ACQUISITION
(ASSISTANT COMMISSIONER REVENUE) JAMMU

FINAL AWARD

Managing Director Jammu and Kashmir State Cable Car Corporation Ltd. Jammu vide his No. CCC/Jmu/2010/1089-91 dated 13-10-2010 placed an Indent for acquisition of land coming under the construction of Passenger Rope Way from Mubarak Mandi to Bahu situated at village Bahu Tehsil and District Jammu. Accordingly on the identification of indenting department revenue documents of land measuring 14 Kanal 18 Marla was prepared through Tehsildar Jammu. After authentication of revenue documents by the indenting department notification under section 4 (1) of the State Land Acquisition Act Svt, 1990 for land measuring 14 Kanal 18 Marla particulars of which are given below was issued vide this office endorsement no. DCJ/LA/BAHU/SCC/2010-11/689-96 dated 14-10-2011 thereby inviting objections of the land owners/interested persons for acquisition of the subject land.

Particulars of the land acquired are as under:-

| S. No. | Village | Tehsil | District | Khasra No. | Area | |
|--------------|---------|--------|----------|------------|-----------|-----------|
| | | | | | Kanal | Marla |
| 1 | Bahu | Jammu | Jammu | 232 | 01 | 11 |
| 2 | Bahu | Jammu | Jammu | 233 | 02 | 10 |
| 3 | Bahu | Jammu | Jammu | 234 | 04 | 01 |
| 4 | Bahu | Jammu | Jammu | 252 | 06 | 16 |
| Total | | | | | 14 | 18 |

After disposal of objections received in pursuance to the above quoted notification, instant land acquisition case along with detail enumeration of the facts was submitted to the Deputy Commissioner Jammu vide this office No. DCJ/LA/Bahu/SCC/2010-11/988 dated 15-02-2012 for issuance of declaration

under section 6 & 7 of Land Acquisition Act Svt, 1990. The Deputy Commissioner Jammu after taking into consideration the recommendations of this Collectorate submitted the case to the Divisional Commissioner Jammu vide his No. DCJ/LA/2010-11/995-97 dated 21-12-2011 for issuance of declaration under section 6 & 7 of the Land Acquisition Act Svt, 1990 as the amount involved in the instant acquisition was less than 2.00 Crore which falls within pecuniary jurisdiction of the Worthy Divisional Commissioner Jammu. The Divisional Commissioner Jammu after considering the report of the Deputy Commissioner Jammu issued declaration under section 6 & 7 of the Land Acquisition Act Svt. 1990 vides Notification No. 38 Div. Com. of 2011 dated 08-01-2011.

In pursuance to the aforesaid directions, notification under section 9 & 9A of the Land Acquisition Svt, 1990 was issued vide this office endorsement no. LA/ACR/Bahu/SCC/ 2010-11/1122-26 dated 17-01-2011 and served upon the land owners/interested persons to file their objections within 15 days with regard to the title, measurement and quantum of compensation in respect of subject land.

Tehsildar Jammu intimated Rs. 1, 72,220.00 & Rs. 15, 00,000.00 per Kanal as average sale rate and prevailing market rates respectively in respect of village Bahu Tehsil & District Jammu. Taking into consideration the rates reported by the Tehsildar Jammu & other factors enumerated in section 23 of the Land Acquisition Act Svt, 1990, a rate of Rs.10, 00,000.00 per Kanal irrespective of kind of soli was proposed for adaption in the instant land acquisition case and the same was proposed for approval by the Committee of Collectors and submitted to Divisional Commissioner Jammu by the Deputy Commissioner Jammu vide his No.DCJ/LHS/ACQ/JMU/Suk-2/AoR-149/92. The Divisional Commissioner Jammu vide his No. 502/1150/J/Bahu/2012/591 dated 29-05-2013 conveyed the approval of uniform rate of Rs. 10,00,000.00 per Kanal. Some trees and structure also came under the instant acquisition for which required assessment got done from the Competent Authority. After completion of all required formalities Final Award to



the tune of Rs. 1,86,85,903/=(One Crore Eighty Six Lac Eighty Five Thousand Nine Hundred and Three) was issued by this Collectorate vide endorsement No. LA/ACR/Rope-Way/Final-A/Bahu/12-13/492-97 dated 30-06-2012.

The detail of the same is as under:-

| Component | Quantum | Rate(Rs.) /Kanal | Compensation | Jabrana (Rs.)@15% | Total |
|------------------------------|---------|---------------------|-----------------|----------------------|-------------------|
| Land | 14K-18M | 10.00 Lac | 14900000 | 22.35 Lac | 17135000/- |
| Structures | 6 | | 1341010 | 00.00 | 1341010/- |
| Trees(Non-Fruit bearing) | 147 | - | 49084 | - | 49084/- |
| Trees(Fruit bearing) | 21 | - | 21708 | - | 21708/- |
| Total | - | - | 16311802 | - | 18546802/- |
| Administrative Charges @.75% | - | - | | - | 139101/- |
| Total | | | | | 18685903/- |

Fatima Bibi & others felt aggrieved of the land acquisition proceedings to the extent of their land measuring 5 Kanal & 10 Marla situated at village Bahu Tehsil & District Jammu and filed a writ petition before the Hon'ble High Court of J&K at Jammu. The Hon'ble High Court vide their order dated 09-04-2013 was pleased to allow their writ petition and quashed the notification from section 6 onward and the final award to the extent of their land measuring 5 Kanal & 10 Marla with the directions to the Collector to give personal hearing or through authorized agent or pleader to the petitioners and thereafter proceed in accordance with the provisions of the Land Acquisition Act.

Thus in compliance with the order of the Hon'ble High Court a fresh notice was issued to the petitioners hereby called land owners/interested persons vide this office endorsement No. DCJ/LA/NOTICE/Cable-Car/2013-14 dated 06-05-2013 to attend the office of the undersigned either in person or through authorized agent or pleader on 15-05-2013 for filing of objections with regard to the acquisition of land measuring 05 Kanal & 10 Marla falling under Khasra No. 233(2 Kanal 10 Marla) & Khasra No. 234 (3 Kanal 00 Marla) for construction of

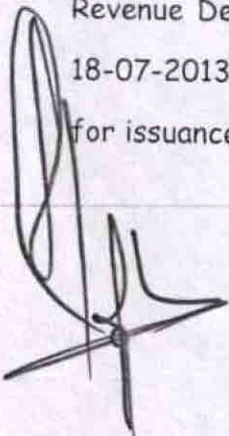
Passenger Rope Way situated at village Bahu Tehsil & District Jammu. Notice at same time was also published in Daily Excelsior in its issue of 10th of May 2013.

In compliance to the notice, Council for the petitioners (Ch. Shah Mohammad Advocate) attended this office on 15-05-2013 and filed objections on behalf of the petitioners herein called land owners/interested persons.

After proper disposal of above filed objections, instant land acquisition case with specific comments & recommendations was submitted to the Deputy Commissioner Jammu vide this office No. LA/ACR/Rope-Way/2013-14/324 dated 08-06-2013 with the request to submit the case to the Government for issuance of declaration under section 6 & 7 of the Land Acquisition Act in respect of land measuring 05 Kanal 10 Marla falling under Khasra No. 233(2 Kanal 10 Marla) & Khasra No. 234 (3 Kanal 00 Marla) situated at village Bahu Tehsil & District Jammu thereby enabling this Collectorate to proceed further in the matter.

Deputy Commissioner Jammu recommended the instant land acquisition case to the Divisional Commissioner Jammu vide his No. DCJ/LA/Cable-Car/2013-14/388-89 dated 22-06-2013 with the request to submit the case to the Government for examination and recording its satisfaction under section 6 of the Land Acquisition Act and for issuance of declaration under section 6 & 7 of the Land Acquisition Act.

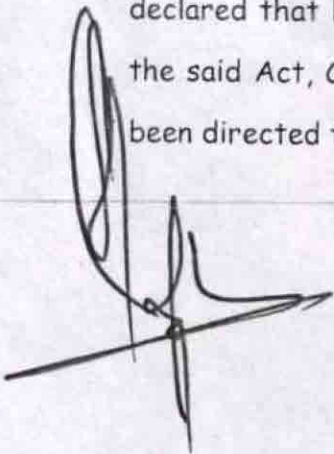
Divisional Commissioner Jammu submitted the instant land acquisition case to the Financial Commissioner, Revenue J&K Government, Srinagar vide his No. 502/1150/Bahu/LR/13/800-01 dated 02-07-2013 & Financial Commissioner Revenue J&K Government Srinagar submitted the case to the Secretary to Government Revenue Department J&K, Srinagar vide his No. FC-LS/LA/4326/JMU/013 dated 18-07-2013 for recording of satisfaction of Hon'ble Minister Revenue Minister and for issuance of declaration under section 6 & 7 of the Land Acquisition Act.



Government of Jammu and Kashmir Civil Secretariate; Revenue Department raised certain queries vide their No. Rev/LAJ/83/2013 dated 27-08-2013 addressed to Deputy Commissioner Jammu with regard to the disposal of claims and objections and detail of the proceedings conducted by the Collector in this regard. Copy of the proceedings conducted by the Collector and other necessary clarification was submitted to the Secretary to Government Revenue Department J&K Srinagar by the Deputy Commissioner Jammu vides his No. DCJ/LA/Cable-Car/2013-14/841-43 dated 13-09-2013.

Government of Jammu and Kashmir Civil Secretariate; Revenue Department raised more queries vide their letter No. Rev/LAJ/83/2013 dated 23-10-2013 addressed to Deputy Commissioner Jammu with regard to furnishing of latest status of OWP No. 1153/2013, CMA No. 1614/2013 titled Smt. Sushila Khajuria and others Vs State & others and relevance of this OWP with the present land acquisition case. Instant queries of the Administrative Department replied and clarified vide Deputy Commissioner Office No. DCJ/LA/Collector/2013-14/983-85 dated 25-10-2013 & vide No. DCJ/LA/Rope-Way/ 2013-14/1153-56 dated 29-1-20

That after considering the report submitted for issuance of declaration under section 6 & 7 of the Land Acquisition Act Svt. 1990 and satisfying with the clarifications given Government of Jammu and Kashmir Civil Secretariat Revenue Department issued declarations under section 6 & 7 of the Land Acquisition Act Svt, 1990 vide Notification No.30 RD of 2013 under endorsement No. Rev/LAJ/83/2013 dated 10-12-2013. Under section 6 of the said Act, it was declared that land in question is needed for public purpose and under section 7 of the said Act, Collector Land Acquisition; Assistant Commissioner (Rev) Jammu has been directed to take order for the acquisition of the said land.

A handwritten signature in black ink, consisting of a large, stylized loop on the left and several vertical and horizontal strokes on the right, extending downwards and to the right.

