HARYANA SHEHARI VIKAS PRADHIKARAN, SECTOR-6, PANCHKULA

No. HSVP/CCF/AO-2/2020/189890

Dated: 01-19-90

Ja

All the Administrator, HSVP-cum-Additional Director Urban Estate, Haryana, Panchkula. Gurugram, Faridabad, Rohtak, Hisar.

Subject:

Regarding priority of payment in original award, enhancement compensation and payment of annuity in land acquisition cases.

A meeting was held on 23.11.2020 at 11.00 A.M. under the Chairmanship of Chief Administrator, HSVP on the subject cited above. A copy of the minutes of the meeting is enclosed herewith containing detailed directions/decisions for different functionaries for making payment to land owners. The Zonal Administrators-cum-Additional Director Urban Estates are requested to bring the minutes of the meeting to the knowledge of Land Acquisition Officer concerned under proper receipt.

Chief Administrator has further directed that directions contained in para-4 of the minutes of the meeting be adhered in letter and spirit. No laxity on this score shall be tolerated as otherwise HSVP would be suffering losses on account of exorbitant rate of interest that is being paid @ 15% p.a. to the land owners.

DA/As above.

(Omirarkash)
Chief Accounts Officer,
For Chief Administrator, HSVP,
Panchkula

P.T.O.

Endst. No. HSVP/CCF/AO-2/2020/

Dated:

A copy along with the minutes of the meeting is forwarded to the following for information and necessary action please:

- 1. PS to Principal Secretary Town & Country Planning Department, Haryana.
- 2. Director General, Urban Estates, Haryana, Panchkula.
- 3. Legal Remembrancer, HSVP, Pancghkula.
- 4. All the Land Acquisition Officer, Panchkula. Gurugram, Faridabad, Rohtak, Hisar.

DA/As above

(Om Parkash) Chief Accounts Officer, For Chief Administrator, HSVP, Panchkula.

Minutes of the meeting held on 23.11.2020 at 11.30 AM under the Chairmanship of Sh. Vinay Singh, IAS, Chief Administrator HSVP, Panchkula regarding Priority in Original Award, Enhancement Compensation and Payment of Annuity in land acquisition cases.

The following officers attended the meeting:-

- 1. Sh. Amarjit Singh Mann, IAS, Administrator, HSVP, Hisar.
- 2. Sh. Nadim Akhtar, Chief Controller of Finance, HSVP, Panchkula.
- 3. Sh. Anil Aggarwal, Legal Remembrancer, HSVP, Panchkula.
- 4. Sh. Vijender Bhardwaj, Land Acquisition Officer, Hisar.
- 5. Sh. Vitul Kumar, Account Officer O/o CCF, HSVP, Panchkula-

CA, HSVP welcomed the participants and highlighted the necessity of calling present meeting. During discussions, following existing procedure of land payment was explained by LAO, Hisar and Accounts officer(HQ).

A) Existing Procedure:-

Earlier Chief Controller of Finance office used to release funds to the land owner as per instructions no. 40, 45, 50, 53, 56, 57. These instructions are available on the HSVP website under the link https://www.hsvphry.org.in/ Financial%20Wing/ Instruction_of%20Finance_HUDA.pdf. As per these instructions, the concerned Land Acquisition Officer was required to upload the payments on Indusind Bank Portal after obtaining the sanction from the concerned Zonal Administrator-cum-Additional Director Urban Estates.

B) Development after 12.12.2019

The powers of Zonal Administrators to issue sanction of claims was withdrawn by the then Chief Administrator, HSVP, Panchkula vide memo no. 222927 dated 12.12.2019. Thereafter, a meeting was held on 26.02.2020 (through Video Conferencing) under the chairmanship of Chief Administrator, HSVP, Panchkula wherein all the Zonal Administrator-cum-Additional Director Urban Estates were directed to send the complete case of each award for approval at HQ so that land compensation of complete award could be released in one go. However, in compliance of these instructions, no complete case has yet been received from the Zonal Administrator-cum-Additional Director Urban Estates for approval of Chief Administrator. Resultantly, almost for the past one year the payments uploaded by LAO's on the Indusind Portal are pending for release of funds. This has necessitated holding the present meeting.

C) Discussion during the meeting:-

To stream line the procedure for making payments in future and to discuss the procedure to be adopted for making payments of Annuity, Original Award and Enhancement Compensation in land acquisition cases, the present meeting was called. The matter was deliberated at length with the Zonal Administrator-cum-Additional Director Urban Estates, Hisar, Land Acquisition officer, Hisar, CCF and LR present in the meeting.

It was observed that whenever any award of enhancement of compensation is announced by any court, the claim is submitted in the office of Land Acquisition Officer concerned, by the claimant by way of direct correspondence or by way of filing of an execution in the executing court. After completing all the revenue, legal & accounting formalities and ensuring that the claim is as per entitlement, the claims along with recommendation certificate of LAO are submitted to the Zonal Administrator-cum-Additional Director Urban Estates for seeking necessary sanction. These calculations of enhanced compensation, as recommended by the Land Acquisition Officer are checked by the Accounts Branch in the office of concerned Zonal Administrator. Further, the legality of the matter regarding entitlement of land owners as per the court orders/recommendation certificates submitted by the Land Acquisition Officer is checked by ADA/DDA posted in the office of Zonal Administrator, from all angles. Thereafter, sanction/demand of Zonal Administrator-cum-Additional Director Urban Estates, Head Office provide the funds to concerned Administrator. This system seems to be appropriate but requiring some minor modifications.

After detailed deliberations, the following directions / decisions were taken for different level of functionaries associated with payment of Original Award, land compensation& Annuity in the meeting: -

Role and Responsibilities of Land Acquisition Officer (LAO):-

The Land acquisition officer shall be responsible for following actions:

I. The LAO will be the sole authority to maintain the record of all acquisitions and also act as the custodian of revenue record of acquired land given to HSVP.LAO with the assistance of ADA/DDA posted in the office of Zonal Administrator or himself, shall defend all the cases in all the courts regarding Land acquisition and enhanced Compensation.

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- II. LAO shall take an affidavit from each of the landowners before finalizing his/her claim to the effect that the claim filed by the claimant is correct, according to the share of land owners in the acquired land, having clear title in the land and he/she shall return the excess amount with interest as provided in erstwhile Land Acquisition Act, 1894 read with the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in case the rate is reduced by any court in future or for any other reasons.
- iii. Since no revenue officials are posted in the offices of Zonal Administrator and at head office, LAO will be exclusively responsible for all calculations of payments that are proposed to be made to the landowners. He would further ensure the correctness of share of land owners, area, amount to be paid & legality, keeping in view the revenue record of the land acquired.
 - iv. The LAO shall be responsible for maintenance of all record of the payments made to the landowners on account of award/enhancements awarded by various courts and Annuity, wherever applicable, as per Land Acquisition Act.
- v. That Land Acquisition Officer will act as a final releaser of amount so approved by the Head Office to the land owners through Bank Portal. He must obtain a cancelled cheque from the concerned land owners for ensuring correctness of account number & IFSC code of the bank in which the landowner has his active bank account. He will also procure a self-attested copy of Aadhar of the claimant/Land Owner.
- vi. Keeping in view the present financial constraints being faced by HSVP, the payment with respect of Original Award of specified categories and enhanced compensation awarded by the Hon'ble Supreme Court shall be done on first priority (oldest to new sequence). Thereafter, the payment of enhanced compensation based on the orders of Hon'ble High Court and ADJ Court will be taken up on 2nd and 3rd priority respectively.
 - vii. The Land Acquisition Officer will prepare the claims of complete original award (Oldest to New sequence) of all land owners in format 'A' and forward the same to the concerned Zonal Administrator, HSVP for sanction. The land that has been described as JumlaMustarkaMalkaan/ShamlatDeh, Government Land, Panchayat Land and Land under litigation shall be excluded.
 - viii. The Land Acquisition Officer will process the award given by the Hon'ble Supreme Court qua the petitioners in one go in the format 'D' annexed here with to avoid double payment or wrong payment. The same shall be processed and forwarded to the



Zonal Administrator within 20 days of receipt of the certified

copy of the judgement.

With respect to the enhanced awards from the courts of ADJ/High Court at priority no. 3 & 2 respectively the LAO shall send the cases qua petitioners only by filing in the information in the relevant formats i.e. B to C (as applicable), and format 'E' and forward the same to the concerned Zonal Administrator, HSVP for sanction.

x. While forwarding the claims to Administrator under para (vii), (viii) and (ix) above each page of the calculation be signed by Patwari/ Kanungo/ Naib Tehsildar/ Accountant/SO/AO/ADA/LAO. The following documents (Hard copy and soft copy both) shall also be provided by LAO to the Zonal Administrator, HSVP:-

a. Copy of the award along with award statement for acquisition of the land.

 b. Copies of award/judgment passed by the court of ADJ, Hon'ble High Court and Hon'ble Supreme Court, as the case may be.

c. Detail of land owners who have filed the reference in ADJ Court along with the list of land owners to whom enhanced amount has already been paid showing the amount paid on the basis of decision of ADJ Court.

d. Detail of land owners who have filed the appeal in Hon'ble High Court along with the list of land owners to whom enhanced amount has already been paid showing the amount paid on the basis of decision of Hon'ble High Court.

- Detail of land owners who have filed the appeal in Hon'ble Supreme Court along with the list of land owners to whom enhanced amount has already been paid showing the amount paid on the basis of decision of Hon'ble Supreme Court.
- Reason for not making payment to remaining land owners.
- List of executions filed by the land owners along with the next date of hearing and amount involved.
- Copy of Mutation and Certificate of Estate Officer that h. possession has been taken © of rapatrojnamcha.
- That TDS is deducted as per instructions issued by i. Income Tax Department/Haryana Government from time to time.



2. Role and responsibilities of Zonal Administrator-cum-

- As per existing practice, the concerned Zonal Administrator, HSVP will continue to issue sanctions as before for payment to the land owners as per recommendation of LAO. A proforma of sanction letter is annexed as Annexure- "A".
- ii. The calculations of enhanced compensation, as recommended by the Land Acquisition Officer shall be checked by the Accounts Branch of the office of concerned Zonal Administrator, HSVP. Further, the legality of the matter regarding entitlement of land owners as per the court orders/recommendation certificates submitted by the Land Acquisition Officers shall be checked by ADA/DDA posted in the Zonal Administrator, HSVP, Office from all angles.
 - iii. Zonal Administrator, HSVP will send a copy of the sanction order containing the certificate on the following points to HSVP HQ:
 - a) That no land owner is left out from being considered for payment in this sanction with respect to Original Award.
 - b) That no land owner who had filed Civil Appeal in Supreme Court been left while granting sanction for payment. (Presently the cases decided up to Supreme Court be sent).
 - c) That the sanctions given in respect of (a) and (b) above (as the case may be) has not been given earlier and no payment qua this sanction been made.
 - d) That the sanctions/claims are made as per Court Orders passed by ADJ/HC/Supreme Court.
 - e) That the sanction is issued in accordance with the directions/instruction given by the head office.
 - f) That there is no encroachment on the land for which the sanction/claims is issued.
 - iv. In case any execution has been filed to secure release of payment based on ADJ Court/ High Court order and coercive action has been initiated by Executing Court, the Zonal Administrator should recommend the case with full facts to Head Office for making out of turn payment along with sanction subject to furnishing of adequate security or a bank guarantee from the land owners so that in the event of



reduction the rates of enhancement compensation by the Higher Courts the excess amount could easily be recovered.

There is always a time lag between the date of preparation of claim by the LAO office, its sanctioned by the zonal administrator and release of funds by the head office. Hence, while sanctioning the claims of landowners the zonal administrator shall get the claim updated till the date of sanction so as to ensure upto date payment of amount with interest to the landowners.

3. Role and Responsibilities of HSVP Head Office:-

Based on the sanction of Zonal Administrator and uploading the details of eligible beneficiaries by the LAO's on the bank portal, the role of HSVP Head Office comes into play for providing funds to the ZonalAdministrator/ LAO for onwards disbursement to Land owners, which shall be done as early as possible depending upon the availability of resources.

4. Other important decisions:-

- i. To avoid the double payments, the existing software of Indusind Bank is to be upgraded with new feature by adding the details of Khasra No., Share of the land owner and payment details as per Annexure 'B'. Till the new features are upgraded with new format in Bank software, the login ID of section officer/in putter on the software will be disabled for making new entries.
 - ii. All the details of the land owners which were uploaded by the Land Acquisition Officer and are still pending for payments shall be rejected by the Land Acquisition Officer on or before 5th December 2020. Thereafter, log in ID of the respective LAOs shall be disabled by the Indusind Bank. The concerned LAO shall abide by the given date and give a certificate to this effect to Zonal Administrator indicating therein that earlier sanction order issued for payment now has been rejected.
 - iii. After the process at point (ii) above been completed the LAO shall seek fresh sanction for payment from Zonal Administrator w.r.t. the award/enhancement as mentioned in para 1(vii), 1(viii) and 1(ix) of these proceedings by 15th December, 2020 and upload the same on the new software.

 LAO should carefully re-verify that the proposed payments have not been released to the land owners earlier.

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- It was also decided to streamline the release of payments for annuity, for which, necessary provisions shall be got made in the software by HSVP Head office so that the payments are made directly to the land owners through Bank Portal.LAO will keep proper record of Annuity payments to land owners in hard copy, for each Killa number/Khasra number so as to avoid any duplicate/double payment. Once the software is ready, the historic data of payment of annuity shall be got uploaded by the concerned LAO. Correctness of data uploaded shall also be certified by the LAO concerned and his staff. The CCF has been directed to draw out the modalities in this regard.
 - v. It is also decided that the payment of enhancement compensation will be made as per Head Office instruction issued vide letter dated 22.02.2007, qua the petitioners.

Meeting ended with a vote of thanks to the chair and participants.

HARYANA SHEHRI VIKAS PRADHIKARAN

SANCTION ORDER

It is certified that the Land Acquisition Officer has complied with all the directions as mentioned in Para 1(i) to Para 1(x) of Minutes of the Meeting dated 23.11.2020 circulated vide letter bearing No.189880 dated 01.12.2020 and has also provided the relevant document as indicated in Para 1(x) (a to I), and TDS is calculated as per instructions issued by the Income Tax Department /Haryana Government from time to time.

It is further certified that the sanction is issued in accordance with the directions/instruction given by the head office from time to time and in compliance of Para (2) of the minutes of meeting held on 23.11.2020 circulated vide letter bearing No. 189880 dated 01.12.2020. It is further certified:-

- That no land owner is left out from being considered for payment in this sanction with respect to Original Award.
- That no land owner who had filed Civil Appeal in Supreme Court been left while granting sanction for payment. (Presently the cases decided up to Supreme Court be sent).
 - iii. That the sanctions given in respect of (a) and (b) above (as the case may be) has not been given earlier and no payment qua this sanction been made.
 - Iv. That the sanctions/claims are made as per Court Orders passed by ADJ/HC/Supreme Court.
 - v. That there is no encroachment on the land for which the sanction/claims is issued.

Input on the following points may also be considered before release of payment to land owners:-

	thereof:_	-		-			- 0000	in it	1000		
1.	Whether	the land	deve	lopme es give	nt wor	ks has	s ta	ken enit	place les av	d o	n the

I. Whether land has been planned? If yes, give full details

ii. Whether third part rights have been created? If yes, the nature of third party rights be delineated:

Dated:

Place:

(Name of Administrator), Administrator, HSVP Name of Zone-----

A copy of the above is forwarded to the following for information and necessary action:-

- 1. The Chief Administrator, HSVP, Panchkula.
- 2. The Director Urban Estates Haryana, Sector-6, Panchkula.
- 3. The Chief Controller of Finance, HSVP, Panchkula.
- 4. The Land Acquisition Officers.

Name -----Chief Accounts Officer, for Administrator, HSVP,



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					file name			: .
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Annexure -"B"

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	(Original Award Statement			
1	Sector/ Scheme and Urban Estate for which land acquired	100		
2	Date of notificagtion U/s 4 and area	1430	traps ha	
3	Date of notificagtion U/s 6 and area	Acre	Kanal	Maria
4	Number of Award and Date and area		gurt it	Lines
5	Total Land in Award			
6	Released Land after Award (High Court/ Govt.)		lord.	
7	Balance Land			
8	Jumla Mustarka Malkaan/ Shamlat Deh/Thola/Panna etc.			
9	Government Land / Custodian Land			
10	Panchayat Land / MC Land			
11	Area under Litigation			
12	Total Land of Sr. No. 8 to 11		(topped)	
13	Net Land of Individuals after deduction of land at sr. No. 7 minus land at sr. no.12	les les	ir arriva	
14	Rate of Compensation awarded by LAC (Collector Rate + Solatium + 12% Additional Interest)	10 101		
15	Total No of Land Owners and Payment Amount in Award			
16	Total number of Land Owners and payment Amount already paid			
17	Balance number of Land Owners and payment Amount to be paid Detail of each landowners is placed at Annexure-I with this st		and the second	



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Land Acquisition Officer

	(ADJ Court Judgement Status Statement)	_		
s	ector/ Scheme and Urban Estate for which land acquired	101		
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10	Panchayat Land / MC Land		ties I to	
11	Area under Litigation			
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13	Net Land of Individuals after deduction of land at sr. No. 7 minus land at sr. no.12			
14	Rate of Compensation awarded by LAC (Collector Rate + Solatium + 12% Additional Interest)		W. 15 19.	1787-5
15	Total Number of land Owners who have filed refernces u/s 18 & u/s 64 (New Act)			
16	Total Number of land Owners where refernces have been decided ADJ Court			
17	Total Number of land Owners where refernces are pending in AD3 Court			
18	Rate announced by ADJ Court per acre/ Sq. Yard			
19	Total number of land Owners who have already been paid the Enhanced Compensation of ADJ Court	-	matrice.	
20	retrences notes	are are		
21	28(A) of Act 200	nt with	the recomm	mendation
Note:	 Detail of each land owner is placed at Annexure-1 with this statement particulars as mentioned above are true and correct as per recorde false/concealed. In case any particular is found false at any point of responsible for the same. 	d and no f time, i	o part of it undersigne	d shall be

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Land Acquisition Officer

	Proforma- C (High Court Judgement Status Stat	ement	-)	
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2	Date of notificagtion U/s 4 and area			
3	Date of notificagtion U/s 6and area	Acre	Kanal	Maria
4	Number of Award and Date and area			
5	Total Land in Award			
6	Released Land after Award			-Clark
7	Balance Land	Man		
8	Jumla Mustarka Malkaan/ Shamlat Deh/Thola/Panna etc.			and M
9	Government Land / Custodian Land			
10	Panchayat Land / MC Land			
11	Area under Litigation			
12	Total Land of Sr. No. 8 to 11	10012	(Logilla	-0.00
13	Net land of individuals after deduction of land at sr. No. 7 minus land at sr. no.12		man real	
14	Rate of Compensation awarded by ADJ Court per Acre/ sq. Yard			
15	Total number of land owners/ State who have filed RFA against ADJ Court Decision			2022
16	Total number of land owners where RFA have been decided by Hon'ble High Court	N.		Topon.
17	Total number of land Owners where RFA still pending in the Hon'ble High Court	100	1	7,000
18	Rate announced by Hon'ble High Court per acre/ Sq. Yard	4 5 6	d to person	er Turker
19	Total number of land Owners who have already been paid the Enhanced Compensation as per Hon'ble High Court decision			P End
20	Total number of land Owners where RFA has been decided but payment yet not made		I I SHOW	ALLE
21	Number of land owners and total amount paid as per the interim order of Hon'ble High Court			
lote:-	Detail of each landowners is placed at Annexure-I with this recommendation that particulars as mentioned above are recorded and no part of it is false/concealed. In case any point of time, undersigned shall be fully responsible for the	true and	correct on	



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Niab Tehsildar

Land Acquisition Officer

	Sector/ Scheme and Urban Estate for which land acquired		16-	
		U India	Name of the	
2	Date of notificagtion U/s 4 and area	Acre	Kanal	Maria
3	Date of notificagtion U/s 6 and area			
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14	Rate of Compensation awarded by Hon'ble High Court per Acre/ sq. Yard		A PROPERTY.	
15	Total Number of land owners /State who have filed SLP/CA against Hon'ble High Court decision			
16	Total Number of land owners where SLP/CA have been decided by Hon'ble Supreme Court			
17	Total Number of land owners where SLP/ CA still pending in the Hon'ble Supreme Court			
18	Rate announced by Hon'ble Supreme Court per acre/ Sq. Yard and title of the case			
19	Total number of Land Owners who have already paid the Enhanced Compensation as per Hon'ble Supreme Court Decision			
20	Total number of land owners where SLP/CA has been decided but payment yet not made			
Note:-	Detail of each landowners is placed at Annexure-I with this statem particulars as mentioned above are true and correct as per record In case any particular is found false at any point of time, undersig	ed and no	part of it is	false/conceale



RECOMMENDATION CERTIFICATE FOR RELEASE OF PAYMENT OF ENHANCED COMPENSATION AWARED BY THE HON'BLE COURT OF ADJ/HIGH COURT/SUPREME COURT.

(FOR INDIVIDUAL LAND OWNERS)

1.	Sector and Urban	*****	Con land	and of the sale of		
	Estate for which		1000			
	land Acquired		19.39			
2.	Date of Notification U/S -4				To recreet go	Beet by 1
3.	Date of Notification U/s-6				ymra.	and a
4.	Number of Award and Date			Copy attached or no	ot	
5.	Details of land acquir	ed of each las	ad owner			
	Name of Land	Khewat/	Khasra			
	Owners with full details	Khata No.	No.	Area(Kanal/Marla)	Total Area in Sq. Yard	Remarks(if any)
6	Details of each land					
	Details of each land of award of court.	owners for wr	nom Enha	nced Compensation I	as been demar	nded as per th
Sr.	Name of Land	LAC No.	Area	ADJ Court	DEA NO	515.00
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i)			marie			
ii)						
iii)						_
iv)						
v)						
7.	Name of Court order	ing Enhancen	nent	0.00		
8	Date of Decision of t			on is attached Yes/N	io.	
9.	Date of appeal, if pr	eferred by the	e LAO	100/11	9	
10.	RFA/SLP number if			by LAO		
11.	If appeal not filed, re					
12.	Whether the land ov Supreme Court				Court/	Yes /No
13.	If yes, the date and certified copy duly si			by the land owner a	longwith a	
14.	Rate of compensation awarded by	LAC	ADJ	HIGH COURT	SUPREME	Remarks if any
15	Total amount demar	nded as per t	he HSVP i	nstructions and calc	ulations sheet	
i)	Principal	1			1	
ii)	Cost					-
ill)	Interest					
2000	, made at					

16.	Whether execution is filed or not? (Yes/No)	BUD AD THE PROPERTY TO SE	DE SEASON PRESENTANTOS
17	If yes, date of next hear	ing and execution number	
18	Reasons for not making	the payment	
19	Whether the land has b	een mutated in favour of HSVP(Yes/No)	
20	Reasons for not entering mutation of land in favour of HSVP		upausok bed genoliksa to mid jedyk
21	Remarks if any		2400
-			

- Certified that the area in respect of which payment is recommended above is as per Award/Reference Petition and the payment will be released to the Individual land owners as per letter No. 189880 dated 01.12.2020 and minutes of meeting dated 23.11.2020 on this issues.
- Certified that the payment of enhanced compensation as referred/decided by the court has not been made earlier to the above claimant(s).
- Certified that particulars mentioned above are true and correct as per recorded and no part of it is false/concealed. In case any particulars are found false at any point of time, undersigned shall be fully responsible for the same.

Signature of the officers/Officials duly stamp affixed along with the name.

Ask -

Patwari

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Niab Tehsildar

Land Acquisition Officer