

AWARD NO.

3 /2005-06/DC(N-W)

NAME OF THE VILLAGE

HAREVLI

NATURE OF ACQUISITION

PERMANENT

PURPOSE OF ACQUISITION

FOR PARALLEL LINER CHANNEL
FORM MUNAK (HARYANA) TO
HAIDERPUR (DELHI).

INTRODUCTORY

These are the proceedings for determination of compensation U/s 11 of LA Act, 1894 in respect of land measuring 40 bigha 10 biswa of village Harevli, Delhi. The land is required by the Government for a public purpose namely for parallel lined channel from Munak (Haryana) to Haiderpur (Delhi).

The land stands notified under section 4 of LA Act, 1894 vide notification No. F.7(25)/2002/L&B/LA/DJB/19317 dated 12.11.03. The Land & Building Department issued a declaration under section 6 of LA Act, 1894 vide notification No. F.7(25)/2002/L&B/LA/DJB/28689 dated 25.3.04. Also emergency clause under section 17(1) of LA Act has been invoked in the aforesaid land. The Land & Building Department issued a declaration under section 17(1) of LA Act, 1894 vide notification No. F.7(25)/2002/L&B/LA/DJB/28690 dated 25.3.04.

In pursuance of the said notification, notices under section 9 & 10 of the LA Act, 1894 were issued to the interested persons. Also notice were issued under section 50 of LA Act, 1894 were issued to the requisitioning department. In response to the notices issued, claim(s) filed by the claimant(s)/interested persons/requisitioning department. have been discussed under the heading "CLAIMS".



MEASUREMENT

The area to be acquired as given in the declaration under section 4 & 6 of the LA Act is 42 bigha 12 biswa. The field staff also measured the land to be 42 bigha 12 biswa on total of the notified land, whereas the actual area to be acquired comes to 40 bigha 10 biswa on the following grounds:

Land measuring 2-14 out of Khasra No. 9//25min has been notified whereas the actual area as per field book comes to 2-12. As such 2-12 is being included/corrected instead of 2-14.

Land measuring 5-05 out of Khasra No. 26//12 has been notified whereas the actual area as per field book comes to 3-05. As such 3-05 is being included/corrected instead of 5-05.

Thus, the present award is for **40 bigha 10 biswa** {(42-12)- (2-02)} land as per detail given below: -

Rectangle No	Khasra No.	Area In Bigha-biswa
9	5 min	1-18
	6 min	2-14
	15 min	2-14
	16 min	2-14
	25	2-12
8	21 min	0-05
22	5 min	2-05
23	1 min	0-18
	10 min	2-01
	11 min	2-12
	20 min	2-12
	22 min	2-12
26	2 min	2-12
	9 min	2-12
	12	3-05
	18 min	2-15
	23 min	3-00
41	3	0-09
	TOTAL	40-10



CLAIMS

In response to the notices issued under section 9 and 10 (to interested persons) following persons/department have filed their claims: -

S No	Name of the claimant	Kh No.	Claims	Remark
1	Mahavir Kaushik Manager Gopal Gosadan	9//5, 6,15, 16, 25, 8//21, 22//5, 23//1, 10, 11, 20, 22, 26//2, 9, 12, 23, 18	Rs.50.00 lacs for improvements/structure, Rs.5.00 lacs for crops and trees	No proof enclosed in support of its claim
2	Tek Ram S/o Amir Singh	23//11, 20	Rs.5,000.00 per sq yds for land, Rs.5.00 lacs for T/well, structure, rooms, Rs.2.50 lacs for trees and Rs.5.50 lacs as severance and obsoletion of equipments.	-do-

The claimant at serial No. 1 is an allottee and not a Bhumidar. As such he is not entitled for compensation of land or has a say in the claim for fixation of market value. The Gaushala can only claim/are entitled for compensation for boring and trees which they have raised. The claimant at serial No. 2 is also not a recorded owner or bhumidar, as such his claim is also not acceptable. In his claim he has stated that he is in cultivatory possession of the land since more than 40 years and his petition for declaration of bhumidari rights is also pending in the revenue court. In this regard, it is submitted that entry in the revenue record does not give any right to the occupant to claim ownership of the same. The claimant is neither a Bhumidar nor a Asami as on date of taking over possession of the land. As such he is not entitled for seeking any compensation in light of the judgment



4
passed by the Hon'ble Supreme Court of India in case titled as Gaon Sabha & another versus Nathi & Others in Civil Appeal No. 3105 of 1997 decided on 23.3.2004.

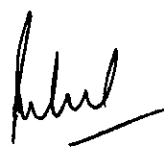
Notice under section 50 of the LA Act, 1894 was issued to the requisitioning department to adduce evidence for the purpose of determining the amount of compensation. The requisitioning department has not furnished any evidence to adduce evidence for the purpose of determining the amount of compensation.

MARKET VALUE

While determining the market value of the land as on 12.11.2003, i.e the date of notification U/s 4 of the Land Acquisition Act, 1894, several factors such as location of the land, nature of soil, awards announced in the recent past of the same or adjoining villages, pronouncement of different courts, claims filed by the interested persons, sale deeds and price policy of the Government regarding acquisition of agricultural land are to be taken into consideration.

The land under acquisition is agricultural land and is being used for agriculture. Also a part of the land has been allotted to Gopal Gaushala for upkeep of cattle's.

Although the land belongs to Gram Sabha some of the persons like allottee of the Gaushala and illegal occupant Sh. Tek Ram who do not have a say in the land have claimed exorbitant prices of their land by making claims about Rs. 1,000.00 to Rs.8,000.00 per Sq. Yds. However, the claimants have not filed any documentary evidence(s) in support of their claims. As such the claims therefore, cannot form the basis of determination of market value. Moreover, the recorded owner have not filed any claim as regards



assessment of the market value. 80% compensation at the rate of Rs.15.70 lacs per acre is being disbursed and they have no objection to it, as such I find Rs.15,70,000.00 per acre to be the most reasonable price for the agriculture land as on 12.11.03.


In a policy announcement which came into effect from the financial year 2001-2002, Government of National Capital Territory of Delhi fixed the indicative prices of agricultural land @ Rs.15,70,000.00 per acre for the acquisition of agricultural land vide their order No. F.9(20)/80/L&B/LA/6696 dated 9.8.2001 which are applicable with effect from 1.4.2001.

The notification under section 4 was issued on 12.11.2003 and the price of the land is to be determined as on the date of notification under section 4 of Land Acquisition Act itself. Also the claimants have accepted the market value of the land @ Rs.15,70,000.00 per acre in respect of their land. Hence, in view of the above facts I find Rs.15,70,000.00 per acre to be the most reasonable price for the agriculture land as on 12.11.03. I, accordingly, determine the market value of the agriculture land @ Rs.15,70,000.00 per acre.

In addition to the market value fixed above, land owners will be entitled to all other benefits as per the provision of the Land Acquisition Act.

SOLATIU

As provided under sub-section 2 of section 23 of the Land Acquisition (amendment) Act, 1984, solatium @ 30% shall be paid to the interested persons on the market value of the land.



ADDITIONAL AMOUNT

The interested persons are entitled to additional amount @12% p.a on the market value of the land as per the provisions of section 23(1-A) of the Land Acquisition Act, 1894 from the date of notification under section 4 i.e. 12.11.2003 till the date of possession or announcement of award whichever is earliest.

POSSESSION

Physical possession of the notified land measuring 32-01 has been taken and handed over to Delhi Jal Board through Land & Building Department. Whereas balance land measuring 8-09 is yet to be taken on account of the existence temporary structure (Gaushala and temple)

BORING

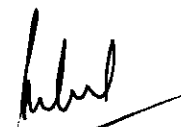
There exists two boring with Kotha in the acquired land in Khasra No. 23//22. I allow Rs.2,500.00 per boring with Kotha as removal charges.

TREES

There exists about 50 trees of various varieties like Kikar, Neem, Gulmohar, Jungle Gilebee, Anar comprising in Khasra No. 23//20, 22, 26//2, 9 etc. The trees weighs approximately 50 quintals. I accordingly assess the value of trees at Rs.100.00 per quintal.

STRUCTURE

There exists a boundary wall, Godown comprising in Khasra No. 23//20, 22, 26//2, 9 etc. Also there exists a temple comprising in Khasra No. 26//2 & 9. The Gaushala has built the aforesaid structure. The structure will



be assessed by the PWD and supplementary award for the same will be announced after the receipt of the assessment report and subject to the condition that the structures have been constructed/raised after seeking prior permission/approval from the Animal Husbandry department and Director, Panchayat as per the agreement.

APPORTIONMENT

Compensation will be paid to the land owners as per the latest entries in the revenue record. The details of apportionment are as under:

S.No	Name	Rect. No.	Kh. No.	Area (Bigha-Biswa)	Compensation In Rs.
1	Gram Sabha	9	5 min 6 min 15 min 16 min 25 min 3 min	1-18 2-14 2-14 2-14 2-12 0-09	59,63,567.87
		41			
			Total	13-01	
2	Gram Sabha Gair Mumkin Shor Boring	8 22 23	21 min 5 min 1 min 10 min 11 min 20 min 22 min 2 min 12 min	0-05 2-05 0-18 2-01 2-12 2-12 2-12 2-12 3-05	88,85,074.70
		26			
			Total	19-02	
3	Gram Sabha Khali Jadid	26	9 min 18 min 23 min	2-12 2-15 3-00	38,79,951.09
			Total	8-07	
	TOTAL			40-10	1,87,28,594.00

100 30 7-2 10-38 => 147-58
137-20

4906-24 2822-77 =>

LAND REVENUE

The land revenue is assessed and deducted from the Khalsa rent roll of village from the date of taking over the possession of the land.

SUMMARY OF AWRAD

1. In respect of land measuring 32-01 whose possession has been handed over on 17.6.04

(In Rs.)		
1	Market value of land measuring 32 bigha 01 biswa @ Rs.15,70,000.00 per acre or say @Rs. 16354.16 per biswa	1,04,83,016.56
2	Market value of trees @ Rs.100.00 per quintal for 50 Quintal	5,000.00
3	Total Market Value of the land (Col. 1+2)	1,04,88,016.56
4	Solatium @30% on the market value u/s 23(2) of the LA Act, 1894	31,46,404.96
5	Additional amount @12% p.a on the market value w.e.f. 12.11.2003 to 17.6.2004 for 219 days U/s 23(1-A) of LA Act, 1894.	7,55,137.19
6	Total (Col. 3+4+5)	1,43,89,558.71
7	80% compensation received in respect of land measuring 32-01	1,09,02,339.53
8	Balance 20 % compensation (Col. 7-8)	34,87,219.18
9	Interest @9% p.a [on {(MV+Solatium+addl. Amount)-80% compensation already received} i.e on 34,87,219.18] U/s 34 of the LA Act, 1894 w.e.f 18.6.2004 to 20.4.2005 for 307 days.	2,63,977.71
10	Total compensation of land measuring 32-01(Col. 6+9)	1,46,53,536.42



2. In respect of land measuring 8-09 whose possession is yet to be taken

		(In Rs.)
11	Market value of land measuring 8 bigha 09 biswa @ Rs.15,70,000.00 per acre or say @Rs. 16354.16 per biswa	27,63,853.04
12	Solatium @30% on the market value u/S 23(2) of the LA Act, 1894	8,29,155.91
13	Additional amount @12% p.a on the market value w.e.f. 12.11.2003 to 20.4.2005 for 1 year and 160 days U/s 23(1-A) of LA Act, 1894.	4,77,048.60
14	Total (Col. 11+12+13)	40,70,057.55
15	Cost of removal in respect of 2 boring @Rs.2,500.00 per boring	5,000.00
16	Grand total of the award (Col. 10+14+15)	1,87,28,593.97 Or say 1,87,28,594.00

(Rupees One Crore Eighty Seven Lacs Twenty Eight Thousand Five Hundred Ninety Four Only)


(PRASHANT .K. PANDA)
Land Acquisition Collector(N-W)

APPROVED 

8/4/2005
Secretary (Revenue)

Award announced in court on 20/4/2005

365
160
325