

AWARD No. 18/88-89

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Name of the Village : Seelampur
Nature of Acquisition : Permanent
Purpose of Acquisition : Housing the Govt. Offices.

These are acquisition proceedings for determination of compensation U/s-11 of Land Acquisition Act in respect of land measuring 1595 sq. yards situated in Village Seelampur. The land stands notified u/s 4, 6 & 17 vide notification No.F.7(9) 86-L&B(i), (ii), (iii) dated 6.3.1987 & 10.3.1987. The land is required for public purpose namely Housing the Govt. Offices. In pursuance of the aforesaid notification notices U/S 9 & 10 of the Act have been issued to all the interested persons. The claims filed by them have been discussed under separate heading "Claims & Evidence". The aforesaid notification has already been published in the newspaper.

Measurement & True Area:

The land under acquisition is 1595 sq. yards. As per actual measurement carried out on the spot by the land Acquisition staff the actual area under the 4 sets of quarters as bearing property No.IX/6063 old Nos. 500 to 507 was found as under:-

<u>Khasra No.</u>	<u>Property No.</u>	<u>Area</u>	<u>Kind of Soil</u>
690/605/min. 326/8/62	IX/6063, old Nos. 500 to 507	370 sq. yds.	G.M. Abadi.

Since the area under these properties is not in accordance with the notification. Enquiries in this connection made & revealed that land measuring (1-0) bigha i.e. 1008 sq. yds. in respect of Police Post Gandhi Nagar had earlier been acquired vide Award No.7A/72-73 dated 31.3.1983. There exists a Gali for an area measuring 217 sq. yards which is in accordance of layout plan of Gandhi Nagar. Accordingly this Award may be drawn in respect of remaining area measuring 370.00 sq. yards.

Claims & Evidence:

The following persons have filed claims in response to the notices U/S 9 & 10.

<u>S.No.</u>	<u>Name of the Claimants</u>	<u>Property No.</u>	<u>Area</u>	<u>Rate</u>	<u>Claim</u>	<u>Evi- den- ce</u>
1.	Smt. Gian Mala Jain U/o, Manju, Mdhu Gupta, Pro- mila Jain Do/O, Dinesh Kumar Jain, Mukesh Kumar Jain, Umesh Kumar Jain Sons of Late Abhay Kumar Jain.	500 to 507	386.73 sq.yds. per	5000/-	-	-

S/Shri Deep Chand and 8 others has filed objection against the acquisition and alleged that the notification U/S 4, 6 & 17 do not cover the properties bearing Nos. 508 to 513 situated at Gandhi Nagar, Seelampur. In this connection enquiries made and revealed that the present notification does not cover the aforesaid properties. Accordingly the properties bearing Nos. 508 to 513 are exempted from the acquisition.

Market Value:

The market value of the land under acquisition is to be determined with reference to the date of preliminary notification U/S 4 which is 6.3.1987 in the present case. Many factors like size and shape of the land, its situation the tenure the use of which it is put its potentiality etc. are taken into consideration for determining the market value. Genuine sales effected about the time of preliminary notification either in respect of land under acquisition or land similar in circumstances to the land under acquisition in the same revenue estate and previous awards and court decisions may offer guidance in arriving at the market value.

The claimants has demanded very high rate of compensation @ Rs. 5000/- per sq. yards, without adducing any evidence to substantiate their claims.

List of Awards.

S.No.	Award No.	Date of Notification U/S 4	Rate awarded by LAC.
1.	1464	13-11-1959	Rs. 2500/- per bigha.
2.	1475	-do-	Rs. 3200/- "
3.	38/70-71	24-10-1961	Rs. 7400/- "
4.	7/72-73	-do-	Rs. 5300/- "
5.	7A/72-73	-do-	Rs. 7400/- "

No enhancement against Award No. 7A/72-73 has been made so far. Awards at Sl. No. 1 & 2 relate to year 1959 hence are not relevant in this case.

The average sale price in the sale transactions registered during the year 1985-87 are as under:

S.No.	Sale deed No.	Year	Kh. No.	Area sq. yd.	Amount	Average per sq. yds.
1.	16	5.1.85	459/98	108	Rs. 48000/-	
2.	1140	27.5.85	128	150	Rs. 30000/-	
3.	1431	3.7.85	70/15	100	Rs. 45000/-	
4.	293	13.2.1986	586/ 454/64	95.33	Rs. 47500/-	
5.	1048	5-6-86	463/363/ 122	125	Rs. 45000/-	
6.	1464	29.7.86	125	198	Rs. 90000/-	

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7.	421	26.7.87	405/360/ 60/2/2	68	Rs.11720/-	
				844.33 sq.yds.	Rs.317220/-	Rs.375.7

The material date of the aforesaid awards is 13.11.59 and 24.10.61 whereas the present notification U/S 4 is dated 6.3.87. Moreover the sale transactions have been executed during the period 1985 to 1987 relate to built up properties. Therefore the aforesaid award and sale transactions do not reflect the correct market value for assessing the compensation.

It has come to notice that the Delhi Development Authority has allotted the land to the Group Housing Societies in Gharonda Neemka Bangar, Geeta Colony etc. The land under present acquisition is adjacent to Geeta Colony, which has more potential value than the land under acquisition.

The D.D.A. has allotted the land to the Group Housing Societies @ Rs.110/- per sq. metre in 1984-85 which comes to Rs.100/- per sq.yard. This is the best evidence to assess the market value. I, therefore, consider it fair and reasonable to fix the market value of the land under acquisition @ Rs.100/- per sq.ydd. and award the same.

Other Compensation:

Trees & Wells:

There are no trees or wells on the land under acquisition.

Structures:

There are 4 sets of quarters bearing No.IX/6063 and old No.s.500 to 507 on the land under acquisition which are very old. The owners are therefore entitled to get the compensation of the structures which appear to have been built about 20 years back. The material used is of 'B' class. I assess Rs.150/- per sq.yd.

Solatium.

The interested persons are entitled to get the solatium @ Rs.30% on the market value of the land according to the ammended Act, 1984.

Interest:

The possession of the land is with the acquiring department since the date of notification U/s 4 i.e. 6-3-87. Hence interest u/s 34 of the Act is allowed @ 9% from 6-3-87 to 5-3-88 and

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@ 15% from 6-3-88 to 6.3.1989 i.e. one year and five days.

Additional Amount:

The interested persons are not entitled to get the additional amount @ Rs.12% p.a. on the market value of the land as the Police Station is functioning on the land prior to the issuance of the notification U/S 4.

SUMMARY OF THE AWARD.

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| 1. Market value for land measuring 370 sq. yds @ Rs.100/- per sq. yd. | Rs. 37,000.00 |
| 2. 30% Solatium on the market value | Rs. 11,100.00 |
| 3. Interest U/S 34 with effect from 6.3.87 to 5.3.88 @ Rs.9% per annum i.e. (one year) and 15% from 6.3.88 to 6.3.89 i.e. one year & 5 days. | Rs. 11,603.06 |
| 4. Compensation of the structures, @ Rs.150/- per sq. yd. for the area which is built up i.e. 370 sq. yds. | Rs. 55,500.00 |

GRAND TOTAL

Rs.1,15,203.06

(RUPEES ONE LAKH FIFTEEN THOUSAND TWO HUNDRED THREE AND PAISE SIX ONLY)

(Signature)

(M.P. MATHUR)
LAND ACQUISITION COLLECTOR (DS)
DELHI.

ADM(LA)
SECRETARY (REVENUE)

APPROVED

SECRETARY (REVENUE)

7/3/89

Award Announced in the open Court today.

(Signature)
9/3/89.

LAC (PS)