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A W A R N NO : 2183-84

NAME OF THE VILLAGE : GAZI PUR
 NATURE OF ACQUISITION : PERMANENT
 PURPOSE OF ACQUISITION : PLANNED DEVELOPMENT OF DELHI

A W A R D

These are the proceedings for the determination of compensation u/s 11 of the L.A.Act., 1894. Land measuring 28 bigha 04 biswa situated in village Gazi Pur Delhi Tehsil is notified u/s 4 of the L.A.Act vide notification No.F8(10)/77-L&B dated 29.4.1981 for the public purpose, namely, Planned Development of Delhi. After considering the report u/s 5-A of the L.A.Act, Delhi Admn. issued a declaration u/s 6 of the L.A.Act vide notification No.F8(10)/77-L&B dated 15.9.1981 for the acquisition of land measuring 28 big 04 bis. Notices u/s 9 & 10 were issued to all concerned to file their claim which are discussed hereinafter under the heading 'Compensation Claims'. It may be mentioned here that the aforesaid land was acquired through Award No.27/70-71 & 25/70-71. Smt Gabbo Devi filed a Civil Writ petition No. 789/73 in Delhi High Court challenging the validity of notification u/s 4 & 6 of Award No. 27/70-71 & 25/70-71. The Hon'ble High Court of Delhi was pleased to quash the notification u/s 4 & 6 of the L.A.Act relating to the land of Smt Gabbo Devi. ~~consequent~~ upon this Delhi Admn. issued fresh notification u/s 4 on 29.4.81 vide notification No. F8(10)/77-L&B for the land in question followed by the declaration u/s 6 of the L.A.Act of even number dt. 15.9.81. Smt Gabbo Devi again filed C.W.P. No.324/82 in Delhi High Court challenging the validity of notification dt. 29.4.81 & 15.9.81 made u/s 4 & 6 of the L.A. Act. The said writ was dismissed as withdrawn on 12.1.1983. The physical possession of the said land is of the Land & Bldg. Deptt. taken under Award No. 27/70-71 & 25/70-71 dt. 25.6.1973.

AREA :

The land under acquisition was measured on the spot by Land & ~~xxx~~ Acquisition Field Staff and the area found available on the spot is as under :-

Khasra No.	Area	Classification of land as per
		Khasra Girdawari
216/1	2 - 12	Banjar Qadim
216/2	2 - 13	-do-
218/1	4 - 09	-do-
218/2	4 - 08	-do-
726/629/217/1	11 - 14	-do-
726/629/217/2	2 - 08	-do-
	28 - 04	

.....2/-.

COMPENSATION CLAIMS & DOCUMENTARY EVIDENCE :

In pursuance of the notices u/s 9 & 10 of the L.A. Act Smt. Gabbo Devi w/o Sh Ved Ram filed a claim stating that Rs.100/-per sq.yd for the land, solatium & interest may be given.

MARKET VALUE :

The market value of the land under acquisition has to be determined with reference to the price prevailing as at the time of notification u/s 4 of the L.A. Act i.e. 29.4.81.

The value to be ascertained is the price to be paid for the land with all its potentialities and with all the use made of it by the Vendor. The market value of the land is to be determined on the basis of the Sale Transaction in the locality/near locality and court adjudications. The land under acquisition is situated in the midst of the roads i.e. National High Way and Barrage Road as well as on metalled road leading to village Mandawali Fazilpur. As stated earlier, the land under acquisition was acquired through Award No. 27/70-81 & 25/70-71 having date of notification u/s 4 of the L.A. Act dt. 13.11.59 & 3.3.64 and same was released on account of High Court order in C.W.P. No. 789/73. The entire revenue estate of village Gazipur was notified u/s 4 & 6 of the L.A. Act and there was no scope of sale transaction, after the commencement of the Delhi Lands (Restriction on Transfer) Act., 1972. As such, no sale deed is executed henceforth. The market value of the land under acquisition is to be determined as on 29.4.1981. Most of the Awards and court adjudications relates to the land of Village Gazipur, Khichripur & Mandawali Fazilpur notified u/s 4 on 13.11.59. The land under acquisition is very near to the land of village Mandawali Fazilpur acquired through Award No. 49C/70-71 announced on 22.12.82 having the date of notification u/s 4 dated 13.11.59. The LA, in this Award, awarded Rs.3,000/-P.B. for the land. There is a time gap of 21½ years in between the notification u/s 4 of the Award No. 49C/70-71 & in the instant case. So cannot be a safe guide in determining the correct & fair value of the land.

Apart from this, there are also award made in the near locality as under :-

Award No.	Name of village	Date of notification U/s 4.	Rate Per bigha
57/81-82	Kondli	25.2.1981	Rs.8,000/- Rs.4,000/-

The land of village Kondli is not very far away from the land of village Gazipur. It is at distance of in between 3/4 K.M. to 1 K.M. The date of notification of Award No. 57/81-82 is 25.2.81 whereas the date of notification u/s 4 for the land under acquisition

sition is 29.4.1981. The land under acquisition is in advantageous position in comparison to the land of Award No. 57/81-82 of village Kondli as regard to situation and potentiality. The LAC awarded Rs.8,000/-per bigha for evenland and Rs.4,000/-Per bigha for G.M. Gadhey in Award No. 57/81-82. Keeping in view of above facts in mind, I am of the view that rate of Rs.8,000/-Per bigha would be fair and reasonable market value of the land under acquisition and award the same accordingly.

TREES, WELLS & STRUCTURES : -Nil-.

POSSESSION :

As stated earlier, the physical possession of the land under acquisition is with Land & Bldg. Deptt. as it was taken over under Award No. 25/70-71 & 27/70-71 of village Gaziour on 25.6.73. In pursuance of High Court order in CWP No. 789/73, the land under acquisition was released. But the physical possession is not restored to interested person. The person concerned, in these circumstances, is entitled for damages to Rs.3,000/- ~~xxxxxx~~ 2 ~~xxxxxx~~ for the period 25.6.73 to 28.4.81 for 15 crops, which the interested person could had procured through rentingx out the land under reference. Besides this, the person interested is entitled for interest u/s 34 of the L.A. Act from 29.4.81 to date of tendering payment as the possession of the land in question is with Land & Bldg. Deptt.

SOLATIUM :

The person interested in the land under acquisition will be paid 15% as solatium over & above the market value of the land so assessed.

APPORTIONMENT :

The compensation shall be paid on the basis of the last entries in the revenue record of the village at the time of possession. In case of any dispute not amicably settled within reasonable time, the compensation shall be remitted to the court of ADJ u/s 30-31 of the L.A. Act for adjudication.

LAND REVENUE : The aforesaid land will vest absolutely free from all encumbrances from the date of Award.

SUMMARY OF THE AWARD

Compensation for the land measuring 28 bigha 04 biswa @ Rs.8,000/-P.B.	Rs. 2,25,600=00
Interest u/s 34 from 29.4.81 to 4.3.83.	Rs. 44,354=58
15% solatium.	Rs. 33,840=00
Damages.	Rs. 3,000=00

Grand Total Rs. 3,06,794=58

(Rs. Three Lacs, Six Thousand, Seven Hundred Ninety Four & Paise Fifty Eight Only).

amr
Cue presence
P. TO

Shiv Raj
2.5.83
(SHIV RAJ TYAGI)
LAND ACQUISITION COLLECTOR (DS)
DELHI.