

AWARD NO. 20/2002-03
 NAME OF THE VILLAGE: KHERA KHURD
 NATURE OF ACQUISITION: PERMANENT
 PURPOSE OF ACQUISITION: SHIFTING OF INDUSTRIAL UNITS FROM THE CITY AREA OF DELHI/ NEW DELHI.

INTRODUCTORY

These are the proceedings U/s 11 of the LA Act, 1894 for determination of compensation in respect of land measuring 591 Bigha 10 biswas in Village Khera Khurd, Delhi.

The Government requires the land for a public purpose namely for shifting of Industrial units from the city area of Delhi/New Delhi. The land stands notified U/s 4 and 17(1) of the LA Act vide notification No.F.10(20)/2000/L&B/LA/6640 dated 7.8.2000. The Delhi Government issued declaration U/s 6 of the Land Acquisition Act vide Notification No.F.10(20)/2000/L&B/LA/8578 dated 11.9.2000. In view of the urgency of the scheme provision of section 17(1) of the Act are applicable to this land.

Notices U/s 9 & 10 of the aforesaid Act were issued to the interested persons. In response to the notices claims filed by the interested persons have been mentioned under the heading "CLAIMS".

MEASUREMENT

The area to be acquired as given in the declaration U/s 4, 6 and 17(1) is 591 bigha and 10 biswas. The field staff also measured the land under acquisition to be as 591 bigha and 10 biswas. As such present award confines to an area measuring 591 bigha and 10 biswas. The details of the areas are as under: -

Rectangle No.	Khasra No	Area	Area whose possession was taken on 4.10.2000	Area whose possession was taken on 9.4.2001
11	21	0-05	0-05	
12	21	3-08	3-08	
	24	2-12	2-12	
	25	0-12	0-12	
13	14/2	0-04	0-04	
	16/2	1-17	1-17	
	17/1 min	0-13	0-13	
	17/2	4-17	4-17	
	23/1	0-03	0-03	

	23/2/1	4-06	4-06	
	23/2/2	0-16	0-16	
	24/1	2-04	2-04	
	24/2	2-12	2-12	
	25/1 min	2-05	2-05	
	25/2 min	1-17	1-17	
14	16	4-16	4-16	
	17	1-19	1-19	
	23	2-08	2-08	
	24	4-16	4-16	
	25/1	4-05	4-05	
	25/2	0-05	0-05	
15	2/1	0-12	0-12	
	2/2	0-15	0-15	
	3/1	0-07	0-07	
	3/2	4-09	4-09	
	4	4-16	4-16	
	5	4-16	4-16	
	6	4-16	4-16	
	7	4-16	4-16	
	8	4-16	4-16	
	9/1	3-16	3-16	
	9/2	0-14	0-14	
	11	1-14	1-14	
	13	0-14	0-14	
	14	2-04	2-04	
	15	3-18	3-18	
	16	1-13	1-13	
	21	1-12	1-12	
	25	2-14	2-14	
16	1 min	5-02	5-02	
	4/1	0-14	0-14	
	4/2	1-00	1-00	
	5	4-10	4-10	
	6	3-02	3-02	
	9 min	1-13	1-13	
	10	4-09	4-09	
	11	4-16	4-16	
	12 min	4-03	4-03	
	13 min	2-15	2-15	
	16 min	1-10	1-10	
	17 min	3-19	3-19	
	18	4-09	4-09	
	19	3-15	3-15	
	20	4-02	4-02	
	21/1	0-19	0-19	
	21/2	2-18	--	
	22	4-16	--	2-18
	23	4-12	--	

	24/2	3-00	3-00	
	25 min	4-10	4-10	
17	21 min	2-05	2-05	
37	1	4-16	4-16	
	2/1 min	0-08	0-08	
	2/2 min	2-03	2-03	
	9	4-16	4-16	
	10	4-16	4-16	
	11	4-12	4-12	
	12	4-12	4-12	
	19/1	1-15	1-15	
	19/2	2-13	2-13	
	20	4-16	4-16	
	21	4-16	4-16	
	22	4-09	4-09	
38	1	4-14	--	4-14
	2	4-16	--	4-16
	3	4-12	4-12	
	4	4-10	4-10	
	5	4-16	4-16	
	6/1	3-00	3-00	
	6/2	1-16	1-16	
	7	4-16	4-16	
	8	4-12	4-12	
	9	4-16	--	4-16
	10/1	2-14	--	2-14
	10/2	1-15	1-15	
	11/1	2-04	2-04	
	11/2	1-18	1-18	
	12/1	4-02	4-02	
	12/2	0-13	0-13	
	13/1	1-04	1-04	
	13/2	3-09	3-09	
	14/1	1-15	1-15	
	14/2	2-12	2-12	
	15	4-12	4-12	
	16	4-16	4-16	
	17/1	1-12	1-12	
	17/2	3-00	3-00	
	18/1	3-12	3-12	
	18/2	1-04	1-04	
	19	3-06	3-06	
	20	5-13	5-13	
	21	4-16	4-16	
	22	4-03	4-03	
	23	4-18	4-18	
	24/1	1-09	1-09	
	24/2	3-04	3-04	
	25	4-16	4-16	

	2	3-04	3-04	
	5/1	0-14	0-14	
	5/2 min	0-14	0-14	
	6/2	1-02	1-02	
	7	1-15	1-15	
	8	5-04	5-04	
	9/1	3-04	3-04	
	9/2	1-12	1-12	
	10	4-16	4-16	
	11/1	1-04	1-04	
	11/2	2-00	2-00	
	12/1	1-04	1-04	
	12/2	2-16	2-16	
	13	3-16	3-16	
	14/1/1	1-17	1-17	
	14/2/2	2-10	2-10	
	15	4-17	4-17	
	16	4-16	4-16	
	17/1	1-04	1-04	
	17/2	1-17	1-17	
	17/3	1-15	1-15	
	18/1	1-05	1-05	
	18/2	3-11	3-11	
	19/1	3-04	3-04	
	19/2	1-12	1-12	
	20	3-02	3-02	
	22	2-14	2-14	
	23/1	3-11	3-11	
	23/2	1-05	1-05	
	24	4-12	4-12	
	25	4-16	4-16	
40	2	1-10	1-10	
	3	4-16	4-16	
	4	4-16	4-16	
	5	4-12	4-12	
	6	4-12	4-12	
	7	4-16	4-16	
	8	3-06	3-06	
	14	2-08	2-08	
	15/1	2-18	2-18	
	15/2/2	1-00	1-00	
41	3	2-04	2-04	
	4	4-16	4-16	
	5/1	4-08	4-08	
	5/2	0-08	0-08	
	6/1	0-06	0-06	
	6/2	2-03	2-03	
	7	1-03	1-03	
42	1	4-16	4-16	

	3/1	2-12	2-12	
	3/2	1-12	1-12	
	4	4-12	4-12	
	5	4-16	4-16	
	6/1	3-03	3-03	
	6/2	1-09	1-09	
	7/2	3-03	3-03	
	8	5-10	5-10	
	9	4-16	4-16	
	10	4-18	4-18	
	12	2-02	2-02	
	13	4-12	4-12	
	14	3-05	3-05	
	15	5-11	5-11	
	17	3-12	3-12	
	16/1	3-01	3-01	
	16/2	1-02	1-02	
	25/1	1-04	1-04	
	25/2	0-13	0-13	
	26	0-01	0-01	
	27	0-03	0-03	
43	1	4-12	4-12	
	2	4-16	4-16	
	9/1	2-08	2-08	
	9/2	2-08	2-08	
	10	4-16	4-16	
	11	4-16	4-16	
	12	4-16	4-16	
	19	4-16	4-16	
	20	4-16	4-16	
	21	4-10	4-10	
	22	4-16	4-16	
70	1	0-16	0-16	
	2	4-06	4-06	
TOTAL		591-10	566-16	24-14

POSSESSION

The physical possession of the land measuring 566 bigha 16 biswas has been taken over and handed over to the requisitioning department on 04.10.2000. Whereas physical possession of the balance land measuring 24 Bigha 14 Biswas has been taken over and handed over to the requisitioning department on 9.4.2001.

CLAIMS:-

S.No.	Name of the Interested persons	Khasra No.	Claims
1.	Sh. Mange Ram S/o Kheema	15//2/2, 3/2, 4, 5, 6, 7, 8, 9/1, 13, 14, 15, 16//9 min, 10, 11, 12 min, 21/1, 20,	Rs.10,000/- to 15,000/- per Sq. Yds. Compensation for damage of crops @Rs.1,00,000/- Alternative plot. Shifting damage Rs.2,50,000/- 1,00,000.00 for trees
2.	Ram Singh S/o Kheema	-do-	-do-
3.	Dharam Singh S/o Kheema	-do-	-do-
4.	Maha Singh S/o Kheema	-do-	-do-
5.	Shiv Kumar S/o Raghunath	-do-	-do-
6.	Virender Kumar S/o Raghunath	-do-	-do-
7.	Mahender S/o Chanda Singh	-do-	-do-
8.	Baljeet Singh	-do-	-do-
9.	Sh. Ram Kishan S/o Shibba	16//21/2, 22, 38//1, 2, 9, 10/1, 12/2, 13/1	Rs.10,000/- to 1,00,000/- per Sq. Yds. as compensation of farm House. 5,00,00,000/- for trees, park etc.

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MARKET VALUE

While determining the market value of the land as on 7.8.2000 i.e the date of notification U/s 4 of the Land Acquisition Act, 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 filled by the interested persons, sale deeds and price policy of the Govt. regarding acquisition of agricultural land are to be taken into consideration.

The land under acquisition is agricultural land and is being used for agriculture. However, some land located on the boundary of village Khera Khurd, there are "GADDHAS" upto 3 feet's from which earth has been lifted for making bricks, etc. Hence for the purpose of assessing the market value, land can fairly be divided into two blocks. One block will consist of level land under cultivation total measuring 256 Bigha 04 Biswas is categorised as Block "A" and second Block consisting of "GADDHAS" measuring 335 Bighas 06 Biswas is categorised as Block "B".

Details of "B" blocks are as under: -

Rectangle No.	Khasra No	Area
12	21	3-08
	24	2-12
14	16	4-16
	17	1-19
	23	2-08
	24	4-16
15	11	1-14
	16	1-13
	25	2-14
16	1 min	5-02
	5	4-10
	13 min	2-15
	17 min	3-19
	18	4-09
	19	3-15
	25 min	4-10
17	21 min	2-05
37	1	4-16
	9	4-16
	10	4-16
	11	4-12
	12	4-12
	20	4-16
	21	4-16
38	5	

	7	4-16
	15	4-12
	16	4-16
	20	5-13
	21	4-16
	22	4-03
	23	4-19
	25	4-16
39	1	4-16
	2	3-04
	8	5-04
	9/1	3-04
	9/2	1-12
	10	4-16
	11/1	1-04
	11/2	2-00
	12/1	1-04
	12/2	2-16
	13	3-16
	15	4-17
	16	4-16
	20	3-02
	24	4-12
	25	4-16
40	3	4-16
	4	4-16
	5	4-12
	6	4-12
	7	4-16
	8	3-06
	14	2-08
41	3	2-04
	4	4-16
	5/1	4-08
42	1	4-16
	2	4-16
	4	4-12
	5	4-16
	6/1	3-03
	6/2	1-09
	8	5-10
	9	4-16
	10	4-18
	12	2-02
	13	4-12
	14	3-05
	15	5-11
	17	3-12

	10	4-16
	11	4-16
	12	4-16
	19	4-16
	20	4-16
	21	4-10
	22	4-16
70	2	4-06
TOTAL		335-06

The interested persons have generally claimed exorbitant prices of their land by making claims from about Rs.10,000.00 to Rs.15,000.00 per Sq. yds. They have, however, not filed any documentary evidences in support of their claims. The claims therefore can not form the basis of determination of market value.

In a policy announcement which came into effect from the financial year 1999-2000 and 2000-2001 i.e Government of National Capital Territory of Delhi fixed the indicative prices of agricultural land @ 12.16 lacs and 13.82 lacs per acre for the acquisition of agricultural land vide their order No. F.9(20)/80/L&B/LA/8490 dated 11.9.2001. which are applicable with effect from 1.4.99 and 1.4.2000 respectively.

In view of the absence of any documentary evidence on record to the contrary, I find Rs.13.82 lacs per acres to be the most reasonable price for the best kind i.e land falling in "A" block as on 01.4.2000. The notification under section 4 was issued on 7.8.2000 and the price of the land is to be determined as on the date of notification U/s 4 itself. I, accordingly, determine the market value of the land @ Rs.13.82 lacs per acre or Rs.2,87,916.66 per bigha.

As regards assessment of land falling in "B" block is concerned, attention is required to be paid to the quality and level of the land. As stated earlier, this land has "GADDHAS" upto 3 feet with BHATTA GRUND. From this land earth has been taken out for making bricks etc. The owners of these lands had received money out of sale of this earth to the Bhattas owners. From the local inquiries it came to the notice that Rs.1,20,000 per acre is paid as lease consideration for removing earth upto 2 to 3 feet.

In some recent awards i.e Award No. 8/2001-02, 9/99-2000 and 10/99-2000 pertaining to villages Bawana and Sannoht (adjacent to Bawana village) announced by then LAC on 15.10.2001.

deduction of Rs. 1,20,000/- per acre in the market value of "B" block land was made from that of "A" block land. As such I, assess the market value of "B" block land @ 12.62 lacs per acre or Rs. 262916.66 per Bigha.

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

SOLATIUUM

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

ADDITIONAL AMOUNT

The interested persons are entitled to additional amount under section 23 (1-A) of the LA Act @12% per annum on the market value of the land from the date of notification U/s 4 of LA Act i.e. 7.8.2000 till the date of possession which is 4.10.2000 and 9.4.2001 respectively for 566 bigha 16 biswas and 24 bigha 14 biswas.

INTEREST

As the possession of the land has already been taken over on 4.10.2000 and 9.4.2001 before making the award, the rightful claimants are entitled to the payment of interest U/s 34 of the LA Act from the date of possession till date of award.

CROPS

At the time of taking over the possession of the land on 4.10.2000, there was Rabi (Wheat) crop on area measuring 566 bigha and 16 biswas. Interested persons were allowed to harvest their crop. Hence, the crop has not been assessed for the purpose of compensation

TUBEWELL

There is no tube well in the acquired land.

BORING

There is two boring in the acquired land in Khasra No. 15//15 and 16//10. I allow Rs. 2500/- per boring as removal charges.

WELL

There is no well in the acquired land.

TREES: -

There are some trees on the land under acquisition. Some of the trees are in infancy stage which can not be converted into firewood. Hence, I do not assess any market value of such trees having less than one quintal weight. The details of other trees are as under: -

Khasra No.	Name of tree(s)	No. of trees	Weight In Quintal	Market Value @ Rs. @ Rs.60/- per quintal (in Rs.)
38//11/2	Sisam	01	3	180.00
	Kikar	02		
20	Sisam	01	2	120.00
22	Sisam	02	5	300.00
39//8	Sisam	02	4	240.00
15//9/1	Sisam	01	1.5	90.00
14	Sisam	01	2	120.00
15	Banyan	01	4	240.00
16//9	Sisam	01	3	180.00
	Shetut	01		
10	Sisam	01	3.5	210.00
	Kikar	01		
TOTAL				1680.00

ORCHARD and STRUCTURES

A Farmhouse comprising of orchard and built up structures exist at Kh. No.16//21/2 (2-18), 22 (4-16), 38//1 (4-14), 2 (4-16), 9 (4-16) and 10/1 (2-14). The PWD has assessed the valuation of structures for Rs. 16,44,217.00 as intimated vide their letter No.23 (337-A)SE(P&A)-I/EE(P)-III/70 dated 19.2.2001. Whereas Dte. (Horticulture), Govt. of Delhi assessed the valuation of plants and trees for Rs.14,79,678.00 as on the date of notification U/s 4 of LA Act vide its letter No.F.26(25)/DDH/Misc/95-96/201 dated 11.4.2002.

APPORTIONMENT

the title apportionment the matter would be referred to the court of ADJ, Delhi under section 30-31 of the LA Act.

DETAILS OF LAND OWNERS WHO HAVE ALREADY BEEN PAID 80% COMPENSATION: -

Since some of the interested persons have availed 80% compensation of their land, they will not be entitled for interest on the said amount from the date of issuing the cheque by the LAC till the date of announcement of award. The amount of interest is detailed in the column No.4. This interest is to be deducted from the interest U/s 34 of LA Act which has been calculated on the market value for the whole of the land irrespective of the fact that 80% compensation has been released to some of the interested persons as detailed below: -

Item No.	Name of the Interested persons and share	80% already paid (In Rs.) and date	Less Interest on 80% already Paid (in RS.)
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4.	Ram Prakash S/o Chhaju Full Share	2402399.00 dated 15.6.2002	86 days 84906.70
5. & 9.	Jag Pal Singh S/o Rattan Singh	6585366.00 31.5.02	101 days 273337.79
6. & 10.	Yash Pal Singh S/o Rattan Singh	6376066.00 12.6.02	89 days 233206.79
7. & 11.	Satender Kumar S/o Rattan Singh	6376066.00 12.6.02	89 days 233206.79
8. & 12.	Pradeep Singh S/o Rattan Singh (1/4 share each)	6376066.00 12.6.02	89 days 233206.79
13.	(Total Share 9525) Dev Praksh S/o Mahender Kumar 1175 share	1185436.00 5.4.02	157 days 76484.98
14.	Jai Prakash S/o Mahender Kumar 1175 share	1185436.00 5.4.02	157 days 76484.98
15.	Brahm Praksh S/o Mahender Kumar 1175 share	1185436.00 5.4.02	157 days 76484.98
16.	Harl Prakash S/o	1185436.00	157 days

17.	Smt Kitab Kaur Wd/o Devender Kumar 185.5 share	187147.00 8.4.02	154 days 11844.09
18.	Raj Bir S/o Devender Kumar 433 share	436845.00 8.4.02	154 days 27646.90
20.	Ashok Kumar S/o Devender Kumar 433 share	436845.00 2.4.02	160 days 28724.05
21.	Manoj Kumar S/o Devender Kumar 433 share	436845.00 2.4.02	160 days 28724.05
22.	Ved Prakash S/o Rajender Kumar 383.5 Share	386906.00 15.12.01	268 days 42612.66
23.	Subhash S/o Rajender Kumar 383.5 Share	386906.00 2.4.02	160 days 25440.39
24.	Raj Kumar S/o Rajender Kumar 383.5 Share	386906.00 15.12.01	268 days 42612.66
25.	Chand Prakash S/o Rajender Kumar 383.5 Share	386906.00 19.12.01	264 days 41976.65
27.	Satya Prakash S/o Tika Ram 495 share	499396.00 31.5.02	101 days 20728.35
28.	Sukh Dev Prakash S/o Tika Ram 495 share	499396.00 2.4.02	160 days 32836.99
32.	Ram Kishan S/o Shibba	1644200.00 11.5.01	334 & 154 days 239467.58
33.	Ram Chander S/o Shibba	5168799.00 13.6.02	88 days 186926.42
34.	Virender Kumar S/o Zile Singh (1/6 share)	558133.00 11.10.01	313 days 71792.72
35.	Surrender Kumar S/o Zile Singh (1/6 Share)	558133.00 11.10.01	313 days 71792.72

36.	Sandeep S/o Jai Singh (1/3 Share)	1116266.00 11.10.01	313 days 143585.44
37.	Jaswant Singh S/o Ram Sarup (1/3 share)	1116266.00 11.10.01	313 days 143585.44
47.	Virender Singh S/o Ram Swarup	212333.00 18.3.02	175 days 15270.52
48.	Bhagwan Dass S/o Ram Swarup (1/2 share each)	212333.00 18.3.02	175 days 15270.52
49.A	Raghbir Singh S/o Raje (3/4 share)	2748200.00 10.6.02	91 days 102775.15
49.B	Naveen S/o Jawahar (1/8 share)	458033.00 15.6.02	86 days 16188.01
49.C	Manish S/o Jawahar (1/8 share)	458033.00 15.6.02	86 days 16188.01
54.	Kansi Ram S/o Sunder Singh	2281066.00 1.3.02	192 days 179985.48
57.	Rai Singh S/o Mukhtyar Singh	1486333.00 22.11.01	283 days 172862.56
58.	Prem Singh S/o Mukhtyar Singh (1/2 share each)	1486333.00 25.02.02	130 days 79406.83
64.	Jaswant Kumar S/o Ram Kishan 5/48 share	369056.00 8.3.02	184 days 27906.70
65.	Mahender Pal S/o Ram Kishan 5/48 share	369056.00 8.3.02	184 days 27906.70
67.	Maha Singh S/o Kanhaiya 5/24 share	738111.00 8.3.02	184 days 55813.32
TOTAL			32,33,675.69

LAND REVENUE

Land revenue to be assessed shall be deducted from the Khalsa rent roll of the village from the date of taking over the possession of the land.

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SUMMARY OF THE AWARD

FOR LAND WHOSE POSSESSION HAS BEEN TAKEN ON 4.10.2000

1	Market value of "A" block land measuring 231 bigha 10 biswas @ Rs. 13.82 lacs per acre or Rs.14395.83 per biswas.	9,66,52,692.90
2	Market value of "B" block land measuring 335 bigha 06 biswas @ Rs. 12.62 lacs per acre or Rs.1314.83 per biswas.	8,81,55,235.98
3	Market value of trees	1680.00
4	Sub-Total	15,48,16,308.90
5	30% solatium U/s 23 (2) of the LA Act over the market value.	4,64,43,092.66
6	12% intt. P.a U/s 23(1-A) of LA Act w.e.f. 7.9.2000 to 3.10.2000 for 58 days in r/o 231 bigha 10 biswas	29,51,000.31
TOTAL		20,42,05,400.90
7	9% interest U/s 34 of LA on MIV + solatium + additional amount for one year i.e from 4.10.2000 to 3.10.2001	1,83,73,426.08
8	18% interest U/s 34 of LA Act on MIV + solatium + additional amount from 4.10.2001 to 9.9.2002 i.e for 341 days.	2,86,16,729.47
TOTAL (I)		25,12,00,616.30

FOR LAND WHOSE POSSESSION HAS BEEN TAKEN ON 9.4.2001

1	Market value of "A" block land measuring 24 bigha 14 biswas @ Rs. 13.82 lacs per acre or Rs.14395.83 per biswas.	7111510.02
2	Market value of land	