

A W A R D NO.

21/86-57

NAME OF VILLAGE : GHONDLI
NATURE OF ACQUISITION : PERMANENT
PURPOSE OF ACQUISITION : COMMUNITY FACILITY

INTRODUCTION

These are proceedings u/s 11 of the Land Acquisition Act, 1894 in respect of land measuring 0.04 Biswas situated in Village Ghondli for determination of compensation in respect of land under acquisition.

The land under acquisition in the present Awards forms part of the land notified measuring 21.17 Biswas vide No. F.17(25)/77-L&B dated 30.11.1981 issued under section 4 of the Land Acquisition Act, Declaration for acquisition u/s 6 of the said Act vide notification "o. F.17(25)/77-L&B dated 2.4.1982. The land is required by the Govt. at public expense for a public purpose, namely for community facility. Due publicity was given to the substance of the notifications. Objections were also invited under sections 5(A) of the L.A. Act but no objection was received at that time. Notices u/s 9 & 10 of the said Act were issued to the interested persons in the land and the claims so received have been placed on record. Claims filed by them will be discussed under a separate heading "Claims & Evidence."

MEASUREMENT & CORRECT AREA

Out of the notified land u/s 6 of the said Act measuring 21 bigha 17 biswas present proceedings are confined only for an area measuring 0-4 biswas. The area of the land under acquisition was found correct as per the measurement carried out by the field staff as per the requirements of section 8 of the Act. The details of land under acquisition are as under:-

<u>Kh. No.</u>	<u>Area</u>	<u>Kind of soil</u>
520/437	0-4	Gair Mumkin Abadi

Contd..2...

The remaining notified land w/s will be acquired through another supplementary award on receipt of instruction. This is being left from this award being built up.

OWNERSHIP & OCCUPANCY

Name of owner	Name of occupancy	Kh.No.	Area	Kind of soil
1. D.L.F. Land & United Corp. Private Ltd., Connaught Place	Maqbuja Malik	520/487	Big-B1s 0-4	G.M. Plot

CLAIMS & EVIDENCE

Only Shri Tara Chand Jain s/o Sh. Guttoo Mal Jain has claimed Rs. 2000/- per sq. yd for whole of the land under acquisition, but no proof or evidence has been produced in support of his exorbitant claim.

MARKET VALUE.

In determining the market value of the land at the date of preliminary notification, a number of factors have to be considered, like size and shape of the land, its situation the tenure, the use to which it is put, its potentiality and also the rise and fall in the demand for the land. The best evidence to assess the reasonable and justifiable market value of the land would be the evidence of the genuine sales effected about the time of preliminary notification, either in the area in respect of the land under acquisition or a part thereof or the sale of the land parallel in circumstances to the land under acquisition. In the present case the date of preliminary notification is 30.11.81. The claimant has claimed very high rate of the compensation without any supporting evidence and therefore it cannot be of any use.

The revenue staff had therefore searched for awards and sales deeds etc. relating to the piece of land situated close to the land being assessed. The awards relating to Village Ghondli are given below :-

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S.No.	Award No.	Date of notification u/s 4	Area	Rate awarded by L.A.C.
1.	1872	24.10.1961	Big -Bis 19-6	Rs. 3000/- per bigha
2.	1983	-do-	Plot No.C.1/7 458 ¹ / ₂ sq.yds Plot No.C.2/7, 458 sq.yds Krishna Ngr.Ghondli	Rs.40/-p.sq.yd Rs.37/- p.sq.yd
3.	2128	24.10.61	108-7	Rs. 3000/- per bigha
4.	2232	-do-	7-7	Rs. 8900/- per bigha
5.	26-A/71-72	-do-	0-18	Rs. 6300/- per bigha
6.	3/83-84	4.11.1976	524 sq.yds	Rs. 90/- p.sq.yd Rs. 85/- p.sq.yd

Awards mentioned at S.No. 1,3,4 & 5 pertain to very big size pieces of land. These awards cannot therefore be utilized as an aid for calculation of market value of the land under assessment which is in form of small plots to be used for residential purpose and located in a populated and regularised Colony. The latest Award in this area available is of 1983-84 at S.No. 6 in which the preliminary date of Notification was 4.11.1976 and in the present case this being 30.11.1981. There is a gap of 5 years in the present and the past notification. Since, no sale deeds have been reported as such the aforesaid award has to be made the base in this case.

The location of the plots in a regularised residential area has its own importance and can fetch more money if sold. The land under acquisition is also in a regularised colony in the populated area and in the shape of plot. Hence, keeping all these factors in view I feel that the rate of Rs. 90/- per sq.yd already awarded in respect of similar type of plot will be reasonable and justified in respect of this plot too and I assess the same i.e. Rs. 90/- per sq.yd.

TREES, WELLS & OTHER STRUCTURES

There is no tree, Well on the land under acquisition. There was no structure on the land at the date of preliminary

Contd...

: 4 :

notification u/s 4.

SOLATIUM

30 % solatium will be paid on the market value of the land.

APPORTIONMENT

The compensation will be paid to the interested persons on furnishing proof of ownership. In case of dispute the amount of compensation will be sent to the Court for adjudication of title u/s 31 of the L.A. Act, if the dispute is not amicably settled between the parties within a reasonable time.

ADDITIONAL AMOUNT

An additional amount @ 12 % per annum will be paid on the market value of the land u/s 23(1a) of the L.A. Amendment Act, 1984 from the date of notification u/s 4 i.e. 30.11.1981 to the date of announcement of the award.

LAND REVENUE

The land is not assessed to any land revenue.

SUMMARY

1. Compensation of land measuring 0-4 biswas (20132 sq.yds) @ Rs.90/- p.sq.yd 3	Rs. 18,150 - 00
2. Solatium @ 30 %	Rs. 5,445 - 00
3. Additional amount u/s 23(1A) @ 12 % from 30.11.81 to 19.3.1986.	Rs. 9,368 - 38
Total:-	Rs. 32,963 - 38

(Rupees Thirty Two Thousand Nine Hundred Sixty Three and Paise Thirty Eight only)

Approved

Secretary Revenue

[Signature]

(J.P. TYAGI)
LAND ACQUISITION COLLECTOR(MSW)

[Signature]
13/7/88

OTARA CHAND

[Signature]
18/9/88

Award amount
today on 12-9-88
and filed.

[Signature]
12/9/88