

AWARD NO. 23/2005-DC(N-W)

NAME OF THE VILLAGE

BHALSWA JAHANGIR PUR

NATURE OF ACQUISITION

PERMANENT

PURPOSE OF ACQUISITION

FOR PUBLIC PURPOSE NAMELY
REHABILITATION OF J.J. COLONY

INTRODUCTORY

These are the proceedings for determination of compensation U/s 11 of LA Act, 1894 in respect of land measuring **744 Bigha 03 Biswa** in village Bhalswa Jahangir Pur, Delhi. The land is required by the Government for a public purpose namely Rehabilitation of J.J. Colony.

The land stands notified under section 4 of LA Act, 1894 vide notification No. F.11(24)/98/1/L&B/LA/1934 dated 4.3.2003 for **744 Bigha 03 Biswa**. The Land & Building Department issued declaration Under section 6 of LA Act, in respect of the aforesaid land vide notification No. F.11(24)/98/1/L&B/LA/19349 dated 4.2.2004 for **319 Bigha 15 Biswa**.

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

MEASUREMENT

The land was notified Under Section 4 was **744 bigha 03 biswa**. Out of which land measuring **317 Bighas and 2 Biswas** stood acquired vide Award No. 6/02-03 while land measuring **107 Bighas and 8 Biswas** has already been excluded from declaration Under Section 6 of the Land Acquisition Act. This being so, total land measuring **424 Bighas and 8 Biswas** would not come within the ambit of declaration under Section 6 of the LA Act, leaving a balance of **319 Bighas and 15 Biswas** which stands notified under Section 6 of the Act is now available for making an Award and the assessment for its determination of the market value is required to be decided upon under the heading **Market Value**.

Thus, the present award is for **319 bigha 15 biswa** land as per detail given below:

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Kh. No.	Area Bigha-Biswa-Biswansi
18 min	2-13
214	3-18
216	4-16
225	4-16
232	4-16
233	3-18
234	3-18
235	4-16
251 min	3-00
353	4-16
356	4-16
357	3-18
358	3-18
359	4-16
360	4-16
361	3-18
362 min	2-15
363 min	3-7
368 min	3-00
374/1	2-00
375	4-16
376	4-16
400	4-16
437	4-16
438	4-16
442 min	2-5
443 min	2-7
445	1-10
447 min	2-7
448	4-16
449	4-16
450.1	0-04
450.2	4-16
454	4-16
468 min	4-00
469	4-16
557 min	4-5
558	3-5
559	6-5
560 min	4-7
562 min	4-10
563 min	4-6

J. Jain

564 min	4-14
565	4-9
567	4-16
568	4-16
569 min	4-2
570 min	4-9
571	4-00
572	4-16
573	4-16
574	4-16
578	4-16
579	4-16
580	4-16
581 min	3-01
582 min	3-6
583 min	4-16
584	4-16
585	4-16
586	7-4
590	4-16
591	4-16
592	4-16
593	4-16
594 min	4-12
694 min	4-16
699 min	2-2
700 min	3-12
701	4-16
702/1	1-9
702/2	3-7
709	4-16
710	4-16
711 min	1-17
712 min	0-13
713	4-16
714.1	2-00
714.2	2-16
TOTAL	319-15

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CLAIMS

S.No.	Name of Claimant	Khasra No.	Nature of Claim	Remarks
1.	Sh. Samay Singh S/o Sh. Dhani Ram	468min, 469,	5,000/- per Sq. yards, Solatium 50%, Interest 24%, Alternative Plot, Rs.1 lacs for agriculture equipment, for trees, for Room, Boundary/ structure, each.10,000/- per bigha of crops, 2 lacs for damage of severance of land, 1 lacs for well, T/well, Boring, all others benefits.	No proof enclosed
2.	Mahender singh S/o Dhani Ram	468, 469	-do-	-do-
3.	Sh. Kailash Yadav S/o Desh Raj		10,000 per sq. Yards, 1 crore 80 thousands for per bigha & for farm house, rooms, structure, boundary, trees, and other items, 30% Solatium, 12% additional amount of compensation,	-do-
4.	Surender pal S/o Sh. Satya pal Gupta	445 min, 450/1, 450/2	10,000/- Per Sq. Yards	-do-
5.	Smt. Sita Devi W/o Surender Pal Gupta	449	-do-	-do-
6.	Sh. Tulsi Ram, Raj Singh, Satish Kumar, Bisamber Singh S/o Sh. Mamraj and co.	700 min	5,000/- per Sq. Yards	-do-
7.	Padam Singh S/o Ram Raj	700 min	-do -	-do-
8.	Sh. Ramesh Kumar, Rajesh Yadav S/o Balwant Singh	701, 702/1, 702/2, 709, 710, 713, 714,	Rs. 29 crore 3 lacs 4 thousands for land, Rs. 25 Lacs for House, Rooms, Structure, Godowns, Boundary	-do-

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9.	Raj Singh S/o Me Singh	562	10,000/- per Sq. yards, Solatium 30%, Statutory interest @ 15%, Interest 15% on Additional amount 12%, Alternative Plot, Rs. 1 lac for crops	-do-
10.	Roshan Lal S/o Raghbir Singh	68	10,000/- Per Sq. Yards, 30% Solatium, 12% Additional amount, 25 lacs for House, Rooms, Structure, Godowns, Boundary wall	-do-
11.	Rohtash Yadav S/o Raghbir Singh	68	-do-	-do-
12.	Samarath Sheiksh Samiti through Kh. Chand Batla	225, 232, 233, 235	10,000/- Per Sq. Yards, 30% Solatium, 12% Additional amount, 10 lacs for House, Rooms, Structure, Godowns, Boundary wall	-do-

MARKET VALUE

While determining the market value of the land as on 4.03.2003, 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, potentialities attached to the land and 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.

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. 15,00,000.00 per acre for the acquisition of agricultural land vide their order No. F.9(20)/80 & B/LA/6696 dated 9.8.2001 which are applicable with effect from 1.4.2001.

The land under acquisition is **Non-Agriculture, Bazar and Khaddar** land. However, on survey done by the staff of Land Acquisition branch it is found that there is **Khaddar in 275 Bigha 7 biswa**. The land is not under cultivation. Hence for the purpose of assessing the market value, land can fairly be divided into two categories / blocks. One block will consist of level land under cultivation total measuring

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44 Bigha 08 Biswa is categorized as Block "A". Second Block consisting of Banzar and Khaddar is categorized as Block "B". The List of "A" Block is 234(3-18), 235(3-00), 356(4-16), 357(3-18), 701/1-2(4-16), 702/1-2(4-16), 709(4-16), 710(4-16), 713(4-16), 714/1-2(4-16),

The notification under section 4 was issued on 04.03.03 and the price of the land is to be determined as on date of notification under section 4 of the Land Acquisition Act itself. Hence, in view of the absence any documentary evidences on record to the contrary and in the light of the above discussion, I find Rs.15,70,000/- per acre to be the most reasonable price for the best kind for Block "A".

As regards assessment of land falling in "B" block is concerned attention is required to be paid to the quality and level of land. As stated earlier, this land is Banzar, Khaddar. To make this low leveled inferior quality land leveled, earth filling will have to be done. Attention is drawn to the Award No. 10/99-2000 of village Sanoth which has been categorized in two blocks in which the market value assessed of the B block land was lower by Rs.1,20,000/- from the "A" block leveled land. After taking into the consideration the increase in the market value of the land notified subsequently, the market value of B block is to be reduced by Rs.1,70,000/- per Acre as on 04.03.2003 i.e. the date of notification under section 4 of LA Act in the present matter in comparison with the market value of leveled "A" block of land. As such I assess the market value of B block land @ Rs.14,00,000/- 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.

SOLATUM

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 values 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. 04.03.2003 till date of possession or announcement to the award whichever is earlier as per the provision of the Land Acquisition Act, 1894.

POSSESSION

Physical possession of the land under acquisition will be taken after announcement of award.

c. J. J. J.

FARM HOUSE

There are one farm houses in the acquired land. The matter has been referred to P.W.D. and Horticulture Department for valuation. The valuation is still awaited. The supplementary award shall be prepared after receiving the valuation report from the concerned department / Authority. The detail of farm houses is as under.

Khasra. No. 234(3-3), 235min(3-00), 356(4-16), 357(3-18)(Kailash Yadav S/o Desh Raj)

Also some of the interested persons have challenged the acquisition proceedings. The detail of civil writ filed by the interested persons challenging the acquisition and consequences thereon is as under:-

S. No.	Item No.	CWP No.	Party Name	Khasra No.	Remarks
1		9270/204	Kailash Yadav Vs. UOI & Ors	234, 235, 356, 357	Hon'ble High court in its order dated 28-5-2004 ordered to maintain status quo in respect of nature, title and possession.
3	3	2937-3137/204	Sh. Sudhar Samiti Rajiv Ngr. Ext. (Regd.) and Ors. Vs. UOI & Ors	557 to 560, 562 to 565, 567 to 574, 578 to 586, 590 to 594, 694	Hon'ble High court in its order dated 5-3-2004 ordered to maintain status quo in respect of nature, title and possession.
4	21+22+4+15	7333-37/200	Ramesh Kumar Yadav & Ors. Vs. UOI & Ors	701/1, 702/1, 702/2, 709, 710, 713, 714, 714/1, 445, 449, 450/1, 450/2, 225, 232, 233, 235,	Hon'ble High court in its order dated 28-5-2004 ordered to maintain status quo in respect of nature, title and possession.

APPORTIONMENT

S.No.	Name of the	Khasra No.	Area (Bigha-Biswa's)	Compensation In Rs.
1.	Sh. Anil Kumar Jain S/o Ramesh Kumar R/o B.K. 14, Shalimar Bagh Delhi	18 min	1-07	7,28,493.21

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2.	Sh. S. K. Jain s/o Misri Lal Jain R/o Kalpatta	18 min	1-6	7,01,511.98
3.	Gram Sabha	214 216 358 359 442 min 443min 447min 560min 557min 558 559 563 min 564 min 568 569 min 572 573 562min 570min 571min 581 583 593 594min 565 567 574 578 579 580 584 592 582 585 586 590 591 694 699min 711min 712min	3-18 4-16 3-18 4-16 2-5 2-7 2-7 4-7 4-5 3-5 6-5 4-6 4-14 4-16 4-2 4-16 4-16 2-2 4-9 4-00 3-1 4-16 4-16 4-12 4-9 4-16 4-16 4-16 4-16 4-16 4-16 3-6 4-16 7-4 4-16 4-16 4-16 2-2 1-17 0-13	9,17,90,144.46
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4.	Sh. Samrath Shiksha Samiti R/o 16-B/5 Deshbandu gupta road, Dev Ngr. N. D.	225 232 233 235 min	4-16 4-16 3-18 1-16 15-06	82,56,256.38
5.	Sh. Kailash Yadav S/o Desh Raj R/o PU-5, Pitam Pura Delhi	234 235min 356 357	3-18 3-00 4-16 3-18 15-12	84,18,143.76
6.	Sh. Nandram S/o Mohan R/o VPO Baiswa Jahangir Pur	351/1 368min	3-00 3-00 6-00	32,37,747.60
7.	Sh. Bhoop Singh S/o Tej Ram 1/2 Share	353 360 361 362min 363min	4-16 4-16 3-18 2-15 3-07 19-12	52,88,321.08
8.	Sh. Mahender Singh S/o Meer Singh 1/2 Share			52,88,321.08
9.	Sardar Jagjit Singh S/o Labh Singh R/o A.M. -169, Shalimar Bagh Delhi	374/1 375 376 400 437 448 454	2-0 4-16 4-16 4-16 4-16 4-16 4-16 30-16	1,66,20,437.68
10.	Sh. Partap Singh S/o Kanwar Singh 1/5 Share	438	4-16	5,18,039.61
11.	Sh. Raj Singh S/o Kanwar Singh 1/5 Share			5,18,039.61
12.	Sh. Ishwar Singh S/o Kanwar Singh 1/5 Share			5,18,039.61
13.	Sh. Daya Nand S/o Kanwar Singh 1/5 Share			5,18,039.62

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14.	Sh. Ram Kumar S/o Kanwar Singh 1/5 Share			5,18,039.62
15.	Sh. Surender Pal Gupta S/o S.P. Gupta R/o H-34, Ashok Vihar, Phase - I, Delhi	445min 450/1 450/2	1-10 0-4 4-16 6-10	35,07,559.90
16.	Smt. Sita Devi W/o Sh. Surender Pal Gupta R/o H. No. 34, Ashok Vihar, Phase -I. Delhi	449	4-16	25,90,198.08
17.	Sh. Samay Singh W/o Dhani Ram R/o Sakin Deh 1/2 Share	468 min 469	4-0 4-16	23,74,348.24
18.	Sh. Mahender Singh S/o Dhani Ram		8-16	23,74,348.24
19.	Sh. Raj Singh S/o Med Singh Sakin Deh	562 min	2-8	12,95,099.04
20.	Sh. Mamraj S/o Mehar Singh R/o Sakin Deh	700 min	3-12	19,42,648.56
21.	Sh. Ramesh Kumar S/o Balwant Singh R/o Sakin Deh 1/2 Share	701 702/1 702/2	4-16 1-9 3-7	77,70,591.36
22.	Sh. Rajesh Yadav S/o Balwant Singh R/o Sakin Deh 1/2 Share	709 710 713 714/1-2	4-16 4-16 4-16 4-16 28-16	77,70,591.36

LAND REVINUE

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.

c. J. J. J.

SUMMARY OF AWARD

1.	Market Value of land measuring 44 Bigha 08 Biswa of Category 'A' @ Rs. 15,70,000/- per Acre Or say @ Rs. 16354.16 per Biswa	1,45,22,494.08
2.	Market Value of land measuring 275 Bigha 07 Biswa of Category 'B' @ Rs. 14,00,000/- per Acre Or say @ Rs. 14,583.33 per Biswa	8,03,10,398.31
3.	Solatium @ 30% on the Market Value U/s 23(2) of LA Act 1894	2,84,49,867.71
4.	Additional Amount @ 12% P.A. on the market value w.e.f. 4.3.03 to 3.2.06 or 2 years 11 months or say 1064 days	3,31,73,325.20
5.	GRAND TOTAL	15,64,56,085-30 or 15,64,56,085/-

(Fifteen Crore Sixty Four Lacs Fifty Six Thousands Eighty Five Only)

C. Arvind

(C. ARVIND)
Land Acquisition collector (N-W)

APPROVED

02/02/06
Secretary (Revenue)

Award announced in the presence
of interested persons who chose to be
present in the open court.

C. Arvind

3-2-2006