

A W A R D NO: 25-A / 70-71

the village : Gazipur

of acquisition : Permanent

of acquisition : Planned Development of Delhi.

NOTIFICATION

These are proceedings for determination of compensation under Section 11 of the Land Acquisition Act, 1894. The land under acquisition is situated in village Gazipur and was notified u/s 4 of the Land Acquisition Act vide notification No.F.15(117)/LSG(ii) dated 2.3.64 for a public purpose namely for the Planned Development of Delhi. After considering the objections u/s 5A, the Delhi Administration issued a declaration u/s 6 of the Land Acquisition Act for an area measuring 251 bighas 14 biswas vide notification No.F.15(117)/60-LSG(ii) dated 16.6.66. The present acquisition proceedings relate to the acquisition of land measuring 149 bighas 14 biswas. An area of 60 bighas 6 biswas being gaon sabha land ~~has~~ notified u/s 22 of Delhi Development Act has already been given to D.D.A. No compensation is assessed over this land on account and vested in the government free from all encumbrances. The remaining area under aforesaid notification u/s 6 will be acquired through another supplementary award on receipt of instructions from Delhi Administration. In pursuance of the aforesaid notification notices u/s 9&10 of the Land Acquisition Act were issued to the interested persons. The claims filed by the various claimants are discussed in the heading Claim & Evidence.

STATEMENT AND OWNERSHIP

<u>Khasra No.</u>	<u>Area</u> <u>Big.Bis.</u>
42/2	1-00
45/1	1-00
71/2	10.00
72/2	3-03
73/2	2-00
81	1-16
88/1	1-07
89/2	1-00

....2/-

9.	146	1-16 ✓
10.	147	2-08 ✓
11.	148	1-13 ✓
12.	149	1-13 ✓
13.	150/2	2-10 ✓
14.	152/2 ✓	1-14 ✓
15.	153/2/1	2-15 ✓
16.	626/217/5	3-03
17.	252/1	1-09 ✓
18.	253/1	1-11
19.	254/2	5-14
20.	633/255/1	1-00
21.	634/255/1 ✓	2-00
22.	256/2	5-15
23.	257/2	5-10
24.	260/1	2-13
25.	642/269/1	1-00
26.	643/269/1	2-00
27.	644/269/1	2-00
28.	777/259/1 ✓	5-00
29.	268/1	1-00
30.	280/2	3-19
31.	741/281/2/2	12-02
32.	282	3-03
33.	650/283/1	3-19
34.	284/1	5-13
35.	475/1 ✓	2-10
36.	465/1	3-00
37.	651/283/1	3-19
38.	473/1	2-00
39.	476/1	2-09
40.	474/1	1-06
41.	486/1min	4-00
42.	488/1 ✓	1-19 1-19
43.	485/265/1	2-09

45.	639/266/1	2-08
46.	640/266/1	1-00
47.	831/647/277/1	4-10.
48.	832/647/277/1	0-07
49.	833/647/277/1	0-07
50.	734/648/277/1	1-10 ✓
51.	735/648/277/1	1- 00
52.	649/277/1	2-10
53.	818/278/1	xxxx 0-13
54.	778/259/1	1-00.
55.	819/278/1	1-00

TOTAL 149-15

CLAIMS & EVIDENCE

S.No.	Name of the Claimant	Khasra No.	Amount claimed.
1.	Sh.Ara Ram s/o Moola	741/281/2	Rs.25/- per sq.yd.
2.	Sh.Braham singh s/o Bharat Singh etc.	634/255/1 268/1 642/269/1 833/647/277/1 818/278/1 280/2 644/269/1	-do-
3.	Sh.Ram Phal s/o Harkesh etc.	-do-	-do-
4.	Sh.Dal Chand s/o Budhu	253/1 642/269/1 777/259/1 778/259/1	Rs.25/- per sq.yd. xxx xxxxx
5.	Sh.Raj Kumar etc.	xxxx 253/1 644/269/1 650/283/1 778/259/1	Rs.20/-per sq.yd.
6.	Sh.Bhag Mal Mohinder Singh s/o Lakhi Ram	734/648/277 253/1 648/269 650/283/1	Rs.20/-per sq.yd.
7.	Sh.Deep Chand s/o Chuni	254/2 45/1	Rs.30/- per sq.yd. Rs.10,000/-for severence.
8.	Sh.Jheenga son of Raten Singh	486min	Rs.20/- per sq.yd. Rs.10000/-for severence.

9. Aidel Singh son of Chiranji Lal	254/2 45/1	Rs.30/- per sq.yd. Rs.10000/-for severance
10. Sh.Badle Singh son of -do- Chiranji Lal		-do-
11. Sheo Lal son of Same Singh	734/648/277/1 778/259	Rs.25/- per sq.yd.
12. Sh.Bahal son of Daulet	152/2	Rs.50/- per sq.yd. Rs.50000/- for house and boundary wall.
13. Sh.Nanda son of xxxxx Jivan etc.	xxxxx 476/1	xxxxx
14. Sh.Sohan Lal son of Surja	778/259/1	Rs. 25/- per sq.yd. -do-
15. Sh.Leela son of Lekha	152/2	Rs.20/- per sq.yd.
16. Sh.Daya Ram son of Kallu etc. -		Rs.46000/-for house and boundary wall & Rs.5000/- for well by Sh.Daya Ram. Sh.Jagdish claims Rs.30000/-for house and boundary wall. Sh.Jai Palas claimed by Jagdish.
17. Sh.Charan Singh s/o Harbhajan Singh etc. -		1. Rs.80,000/-for four rooms. 2. Rs.10,000/- for ten rooms. 3. Rs.1,15,000/-for seven rooms. 4. Rs.1,10,000/-for six rooms & boundary wall. 5. Rs.100/-per sq.yd. for land. 6. Rs.2000/- for trees.
18. Sh.Ram Pal son of Baga etc. -		Rs.2,00,000/-for house (by Sh.Jugti) Rs.1,00,000/- for house and Rs.100/-per sq.yd. for land. Rs.5,000/- for trees. Rs.15% for solatium
19. Captain Bhikha Ram son of Sh.Ram etc.	639/266/1 640/266/1 371/2	Rs.25/- per sq.yd.
20. Sh.chhote son of Chanderman	475/1 483/2	-do-
21. Sh.Radhey Shyam son of Sh.Ram Sarup	-	Rs.30/- per sq.yd. Rs.2005/- for levelling Rs.1770-50for boundary wall.Total Rs.13825.50
22. Sh.Sukh Lal son of Harbans Lal etc.	685/376 686/376	Rs.20,000/- for house and Rs.10000/-for land
23. Sh.Shiv Charan son of Shobidun Pd.	-do-	Rs.20000/- for house Rs.6000/- for land. ...5/-

24. Smt. Gabbo wife of Shri Red Ram.	252/1	Rs.30/- per sq.yd. and Rs.10,000/- for severance.
25. Sh.Moti Ram son of Bamshera	43/1	Rs.50/- per sq.yd.
26. Sh.Mukat Behari Lal son of Jagan Nath	375/2min	Rs.10,000/- for boundary wall and Rs.20/-per sq.yd.
27. Smt.Ram Rati wife of Sh.Shiv Charan	685/376 686/376.	Rs.20,000/- for house. Rs.6000/- for land.
28. Sh.Devi Sahai son of Ghasita etc.	485/1 474/1	Rs.25.30/- per sq.yd.
29. Smt.Ram Murti Devi	150/2	Rs.30/- per sq.yd.
30. Sh.Prem Singh son of Bhagwana etc.	740/231/2 146	Rs.25/- per sq.yd.
31. Sh.Amar Singh son of Kishan Lal	734/648/277/1 778/259/1	-do-
32. Sh.Rattan Lal son of Surta.	256/2 260/1 778/259/1	Rs.100/- per sq.yd.
33. Ram Chander son of Shame Singh	734/648/277/1	Rs.25/- per sq.yd.
34. -do-	633/255/1 819/278/1 150	He requests that land under the temple and house may be left.
35. Sh.Gopi Chand son of Shankar 1/3 share.	81	Rs.75000/- for land. Rs.75000/- for structures. Rs.3000/- for peepal. Rs.10000/- for dairy. Rs.5000/- for well Rs.150000/- for kharab No.81
He has also produced bill for electricity besides copies of Jamabandi for the year 1950-51 and the site plan.		Interest Rs.5000/-
36. Sh.Mani Ram son of Sita Rame tc.	793/90/2 2/6th share	-do- Except Rs.500/- for Neem tree.
37. Smt.Padma Devi wife of Sh.Subhash Chand	777/259/1	Rs.70/- per sq.yd. Rs.14000/- for land. Rs.9000/- for boundary wall Rs.3000/-for loss. Rs.5000/- for damages. Rs.30000/-
Total		
38. Smt.Sudha Aggarwal w/o Nirmal Kumar	777/259	Rs.7000/- for land. Rs.6000/- for structures and boundary wall. Rs.3000/- damages. Rs.16000/- Land Rs.14,530/- Rs.8200/- for structures and char diwari. Loss of business to the extent of Rs.3000/- damages Rs.5000/-
Total		Rs.30,720/-

39. Smt. Shanti Devi wife 777/259
of Niranjan Lal

Rs. 14000/- for land.
Rs. 8000/- for structures.
and boundary.
Rs. 3000/- loss to business.
Rs. 5000/- damages.
Rs. 30000/-.

Total

-do-

40. Smt. Kunti Devi wife 777/259
of Hanuman Prasad.

MARKET VALUE

The market value of the land under acquisition has to be determined with regard to the price prevailing at the date of preliminary notification u/s 4 of the L.A. Act with all its ~~particular~~ advantages and potentialities. The best evidence to arrive at the correct market value of the land would be the evidence of genuine sales affected about the date of preliminary notification either in respect of the land under acquisition or portion thereby or sales of land the size perusal in all ~~circumstances~~ to the land under acquisition. The interested persons have not produced any documentary evidence in support of their claims. Efforts, were, however made at this end to find out the documentary sale deeds in village Gazipur nearest to the material date so as to assess the market value of the land under acquisition. The following statement shows the sales transactions executed about the material date of notification in village Gazipur.

S.No.	Date of Registry.	No. of Reg.	Volume no.	Khasra No.	Area	Amount.
1.	22.10.63	9479	1000	697/221	4.00	Rs. 850.00
2.	6.11.63	9951	1003	159 635/265	3-03) 5-11)	Rs. 4350.00
3.	27.12.63	11411	1023	264min	1-14½	Rs. 1500.00
4.	27.12.63	11431	1023	264min	3-09	Rs. 3500.00
5.	5.11.63	9863	1003	560min	125sq. yds.	Rs. 100.00
6.	7-11.63	10030	1004	697/221	0-06	Rs. 1050.00
7.	15.10.63	9276	998-A	697/221	0-04	Rs. 400.00
8.	16.10.63	8473	988	696/221 697/221	500sq. yd.	Rs. 800.00
9.	30.8.63	8070	982	696/221	500sq. yds.	Rs. 1500.00

There have been several awards in the village Gazipur namely 1678, 1888, 1936, 2201 and 27, 27A, 28-B, 27-C. However, in all these cases the date of notification has been 13.11.59 whereas in the instant case the date of preliminary notification u/s 4 of Land Acquisition Act is F.15(117)/LSG(11) dated 3.3.1964. These awards will not give any useful guidance in arriving at the market value of the land presently under acquisition.

The sale deeds mentioned at S.No.1,5 and 9 relate to small plots of land, which are presumably for residential purposes. It may not be out of place to mention here that the Delhi Land Reforms Act is applicable to the land under acquisition in village Gazipur. In view of the restrictions of section 23 and 24 of Delhi Land Reforms Act, the land in question could be used only for the purpose of agriculture horticulture or animal husbandry. The claimants have not sited any law in rebuttal of the mandatory provisions of the Delhi Land Reforms Act. In view of the circumstances mentioned above, the sale deeds mentioned at S.No. 1,5 and 9 cannot form the basis in determining the true market value of the land under acquisition. Out of the remaining sale deeds mentioned at S.No.2,3 and 4, the sale deed No.9951 at S.No. relates to khasra No.159 & 635/265 measuring 8 bighas 14 biswas. Accidentally Khasra No.625/265/1 which is a part of khasra No. 625/265 is presently being acquired. Accordingly this sale deed S.No.2 above could serve as the basis in arriving at market value of the land under acquisition. The date of preliminary notification u/s 4 of the LAND Acquisition Act is 3.3.1964 whereas the date of registration of the above sale deed is 6.11.63. There is a difference of 4 months. A rational increase is to be allowed for this period. Accordingly Rs.525/- per bigha would be fair under the market value of the land/acquisition and I allow the same.

TABLE FOR TREES

Khasra No.	Name of the tree	Weight	Amount.
146	2 Sha toot	3 qtls.	Rs.50/-
	6 Neem	2 qtls.	

SOLAT IUM:

15% on the market value of land under acquisition shall be paid on account of compulsory acquisition as provided in section 23(2) of the Land Acquisition Act, 1894.

APPOINTMENT:

The compensation will be paid on the basis of the latest entries in the revenue record and in cases of dispute, it will be sent to the court of the A.D.J. Delhi for adjudication.

LAND REVENUE:

The land is assessed to land revenue of Rs. 40.9P which will be deducted from the rent roll of the village from the date of taking over possession.

SUMMARY OF THE AWARD:

1. Market value of land measuring 749 bighas 15 biswas at the rate of Rs. 525/- per bigha.	Rs. 78,618-75
2. Trees.	Rs. 50-00
3. 15% solatium.	Rs. 11,800-31
Total:	Rs. 90,469-06

(RUPEES NINETY THOUSAND FOUR HUNDRED SIXTY NINE AND PAISE SIX ONLY:)

(SHIV RAJ TYAGI)
LAND ACQUISITION COLLECTOR (DS)
DELHI.

ment in the open court.
more realised up to 122,10
duty
adventures. Shiv Raj
28.3.80.