AWARD No. 38/1970-71

NAME OF THE VILLAGE : SEELAMPUR

NATURE OF ACQUISITION : PERMANENT

PURPOSE OF ACQUISITION: PLANNED DEV. OF DELHI.

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These are proceedings for determination of compensation u/s 11 L.A.Act. Land measuring 17 big. 6 bis. in village Seelampur was notified u/s 6 L.A.Act vide notification No.F.15(49)/65-L&H dated 12.4.68 and forms part of 16,000 acres of land notified u/s 4 L.A.Act vide notification No.F.15(245)/50-LSG/L&H dated 24.10.61.

Notices u/s 9 & 10 of the L.A.Act were issued to the persons interested. Claims filed in response to the notices with reference to the area now under acquisition in the present case, will be discussed under the appropriate heading 'Claims & Evidence'.

MEASUREMENT & TRUE AREA :-

The present acquisition proceedings are confined to an area 5 big. 6 bis only out of the area 17 big. 6 bis. notified u/s 6. The rest of the area will be acquired on further instructions of the Delhi Administration.

The field staff carried out necessary measurement at the spot and the area as such was found correct. The details of the Kh.Nos. are as below:-

Kh.No.	Area Big. Bis.	Classification.
716/101/2/3	0-17	G.M.Plot.
716/101/2/2	2-04	G.M.Bagicha & Chah
716/101/2/4/1	0-13	G.M.Plot.
716/101/2/5/6/1	1-12	G.M.Plot.
	5-06	

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Note:- A-rea of field No. 716/101/2/2 has inadvertently been written as 2 big. 14 bis. in Mutation No. 945 & 947, while the correct area is 2 big. 4 bis. as recorded in Mutation No. 938 (Parat Sarkar).

OWNERSHIP & OCCUPANCY :

Name of the owners.	Name of occupant.	Kh. No.	Area	Kind of soil.
Smt. Shakuntla Kanwar wd/o Ashwani Kumar Kanwar r/o 7/29, Darya Ganj Delhi.	Self.	716/101/2/5/6/1	1-12	G.M. Plot
Chando Devi wd/o Uttam Chand Rekhi r/o 7/29 Darya Ganj Delhi.	Self.	716/101/2/2	2-04	G.M. Bagicha & Chah.
		716/101/2/4/1	0-13	G.M. Plot.
		716/101/2/3	0-17	-do-
			3-14	

CLAIMS & EVIDENCE.

Name of the claimant.	Kh. No.	Area	Rate claimed.	Evidence.
Smt. Shakuntla Kanwar wd/o Sh. Ashwani Kumar. r/o S-16 Greater Kailash New Delhi.	716/101/2/5/6/8 (Plot No.) (7 & 8)	2 plots 16,00 sq yds.	(i) Rs 100/- per sq yd. for land. claimed Rs 1,12,000/- (ii) Rs 12,000/- for const. (iii) 15% extra for compulsory acquisition.	Nil.
Smt. Channo Devi wd/o Sh. Uttam Chand Rekhi. r/o 7/29 Darya Ganj Delhi.	716/101/2/3-2-4 (Plot No.) (9,10,11,12,13)	4000/- sq yds.	(i) Rs 100/- per sq yd. for land. (ii) Rs 30,000/- for const. (iii) 15% solitium.	Nil.

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MARKET VALUE :

In determining the market value of the land as at the date of the preliminary notification, many factors enter into reckoning, like size & shape of the land, its situation, the tenure, the use to which it is put, its potentiality and rise and fall in the demand for the land. In arriving at the correct market value of the land, the best evidence available would be evidence of genuine sales effected about the time of the preliminary notification, either in respect of the land under acquisition or a part thereof or the sales of land parallel in circumstances to the land under acquisition.

In the present case, the date of preliminary notification u/s 4 L.A. Act is 24.10.61. The claimants in the case have demanded very high rate of compensation without supporting the same with any evidence.

It would be proper to look into the Awards given in the area in the past. The details of which are as below:-

S.No.	Award No.	Notification u/s 4	Rate awarded.
1.	1464	F.15(III)/59-LSG 13.11.59	Rs 2500/- per big.
2.	1475	-do-	Rs 3200/- per big.

In the references u/s 18 in both these Awards, the learned court in case No. 22/1963 & 675/1963 Rajkishan Jain Vs. U.O.I relating to the former Award enhanced the compensation from Rs 2500/- per big to Rs 6500/- per big. and in the latter, in case No. 110/1968 Kishan Chand, Shiv Kumar Vs. U.O.I the compensation has been enhanced from Rs 3200/- per big. to Rs 4800/- per big. These awards could not be an example for guidance in the present case as

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firstly the date of preliminary notification is earlier by two years than in the present case and secondly the land acquired through these awards does not lie within the close proximity to the land under acquisition.

Therefore it would be essential to find out sale transactions that might have taken place, in similar circumstances and located nearby to the land under acquisition. The following transactions could be ascertained from the revenue record:

Mutation No.	Kh. No.	Area	Amount	Dt. of reg.	Average per big.
[illegible]10	716/101/1/1	0-19	7,000-00	2.2.60	7,368-42
2926	701/101	0-02	1,000-00	29.2.60	10,000-00
2646	712/101/1	0-04	1,920-00	14.12.60	96,00-00
2647	712/101/2	0-04	1,500-00	29.11.60	7,500-00
2648	713/101/1	0-04	1,710-00	23.12.60	8,550-00
2583	190 min.	0-02	994-50	27,6.61	9,945-00
2584	190 min.	0-04	1,500-00	26.6.61	7,500-00
2585	190 min.	0-03	1,296-00	14.6.61	8,640-00
2591	190 min.	0-04	1,000-00	11.1.61	5,000-00
2592	190 min.	0-04	1,000-00	20.1.61	5,000-00
2575	190 min.	0-02	792-00	26.3.61	7,920-00
2576	190 min.	0-03	1,325-00	26.3.61	8,833-33
2246	185/9-10	0-05	1,625-00	4.6.60	6,500-00
2511	220	3-13	5,000-00	19.7.60	1,2[illegible]-05
2516	243/1	1-03	5,365-00	29.9.61	5,100-00
2518	232/1 243/3	2-04 0-03	11,730-00	23.9.61	4,991-49
2591	185/2	0-04	1,000-00	11.1.61	5,000-00
2592	185/3	0-04	1,000-00	20.1.61	5,000-00
2523	112/2	3-07	10,000-00	17.4.61	2,985-07

From the a-bove mutations, it is apparent

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that there has been a fluctuating trend of prices ranging from Rs 1282/- per big. to Rs 10,000/- per big. Apart from sale transactions cited at S.No.1, 13, 14, 15 & 18, the rest of the mutations pertain to small pieces of land obviously meant for residential sites. It is a matter of common knowledge that the sale price paid for small pieces of land is always on the high side because of the purchasing capacity of the public at large. Likewise mutation at S.No.13, 14, 15 & 18 are also not proper examples since the land covered in these mutations lie far off from the land under acquisition and therefore, not similarly conditioned and circumstanced. Only mutation at S.No.1 is the best examplar in so far as the land covered in this mutation forms part of the same Kh.No. which is now under acquisition. It has been held that in calculating the value of a plot of land the price previously paid for the portion of the same area, afford infinitely the best material which can possibly exist. In view of this consideration, the sale price paid for the land as at mutation No. 1 can be taken as the best guide in evaluating the market value of the land. But there is a time gap of a little more than one and a half years between the execution of the sale deed as covered in the mutation at S.No. 1 and the issue of the preliminary notification in the present case. From the mutations as cited above, there is no clear indication that there has been any rise in the trend of prices from 2.2.60 onwards. In the absence of any reliable data indicating the rise in the trend of prices if any, I rely on the sale price as paid in the mutation at S.No.1 and award Rs 7400/- per bigha.

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TREES :

There are some trees on the land under acquisition of which details are given below. The Naib Tehsildar has recommended, compensation noted against each which I consider to be reasonable and award accordingly:

Kh.No.	Kind of trees	No.of Trees.	Wt. in qt.	Rate per qt.	Total
716/101/2/4/1	Neem	13	40	Rs 8/-	Rs 320/-

STRUCTURES :

The Asstt. Engineer(Val) D.D.A Delhi vide his letter No.Di,AE(V)II/69/65/251-46 dated 27.3.70 has forwarded the valuation statement of structures existing on the land under acquisition. He has assessed the value of only a well as Rs 307/-. The well exists on Kh.No. 716/101/2/2. The valuation assessed by the Asstt. Engineer appears to be reasonable and therefore I award the sums of Rs 307/- only as compensation for the well.

The Asstt. Engineer has further reported that the remaining structures in Kh.Nos. 716/101/2/2; 716/101/2/3; 716/101/2/5/6/1 have been constructed after the date of notification i.e 24.10.61. Consequently he has not assessed compensation for the structures having come up after date of preliminary notification. The owners may remove the Malba within 15 days after the announcement of the Award.

There are 2 hand-pumps installed on the land under acquisition. The Naib Tehsildar reports that they are not in working order. The owners could remove them within 15 days of the announcement of the Award. A sum of Rs 20/- is awarded as compensation towards removal charges.

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SOLITIUM : 15% solitium would be awarded on the market value of the land towards compulsory acquisition.

INTEREST : The case falls within the purview of Land Acquisition(Amendment & Validation) Act,1967 as the date of notification u/s 4 in the present case 24.10.61 and the declaration u/s 6 L.A.Act was made on 12.4.68. In-terest would therefore be payable at 6% per annum w.e.f 24.10.64 on the market value only of the land, till the date of the announcement of award which is tentively fixed as 2.4.70.

LAND REVENUE :- The land under acquisition is assessed to 84 Nps. as Land Revenue per annum which will be deducted from the Khalsa Rent roll of the village w.e.f. the date of possession.

APPORTIONMENT :-

Compensation of the land would be paid according to the latest entries in the revenue record. In cases where persons other than recorded owners are in possession of the land orclaim compensation, it will be kept disputed.

The interested persons may come to an amicable settlement within a reasonable period, failing which the amount of compensation will be sent to the Court u/s 30-31 L.A,Act.

SUMMARY :-

		Rs Ps	RK.
1.	Compensation for land measuring 5 big. 6 bis. @ Rs 7400/- per big.	39,220-00	
2.	Compensation for trees.	320-00	
3.	Compensation for well.	807-00	
	Total	40,347-00	

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	Total	40,347-00
4.	Add 15% solitium	6,052-05
5.	Interest at 6% per annum w.e.f. 4.10.64 to 21.4.70 only on market value of land.	13,297-93
6.	Remova-l charges for 2 hand pumps.	20-00
	Grand Total.	59,716-98

(Rupees Fifty nine thousand seven hundred sixteen and paise ninty-eight only)

(V.K. BHALLA)
LAND ACQUISITION COLLECTOR(MSW) DELHI.

Award announced today on 31.10.70.
Filed

31/10/70