

198/C

AWARD NO. 3/2009-10/DC(NW)
NAME OF THE VILLAGE MOHAMMADPUR MAJRI
NATURE OF ACQUISITION PERMANENT
PURPOSE OF ACQUISITION FOR PUBLIC PURPOSE NAMELY FOR
CONSTRUCTION OF UNDER GROUND TANK &
BOOSTER PUMPING STATION

I. INTRODUCTORY

These are the proceedings for determination of compensation U/s 11 of Land Acquisition Act, 1894(hereinafter referred to as LA Act) in respect of land measuring 22 Bighas 1 Biswa in village Mohammadpur Majri. The land is required by the Government for a public purpose namely for Construction of Under Ground Tank & Booster Pumping Station by Delhi Jal Board.

The land stands notified under section 4(1) of LA Act, 1894 vide notification No.F.7(25)/2004/L&B/LA/17296 dated 20.2.2007. No objection was received against the issuance of the notification of u/s 4 for conducting any proceeding u/s 5A of the LA Act. Thereafter, the Land & Building Department issued a declaration under section 6 of LA Act in respect of the aforesaid land vide notification No. F.7(25)/2004/L&B/LA/14071 dated 04.1.2008. In view of the urgency of the scheme, provision of section 17(1) of the Act is also applicable as conveyed by Land & Building Department, Government of National Capital Territory of Delhi vide its Notification No.F.7 (25)/2004/L&B/LA/16742 dated 28.2.2008.

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

II. MEASUREMENT

The area to be acquired as given in the notification and declaration under section 4 and 6 of the LA Act is 22 Bighas 1 Biswa out of Khasra no 10/27 min (22-01) for Construction of Under Ground Tank & Booster Pumping Station. The revenue staff compared the area with revenue records and found it to be correct.

Thus, the present award confines to 22 bighas 1 biswa land as per details given below: -

Rect. No.	Kh. No.	Area Bigha-Biswa-Biswansi
10	27 min	22-01

III. CLAIMS

In response to the notices issued under section 9 and 10 to the interested persons and under section 50 of the LA act to the requisitioning department following persons/department have filed their claims:

SI .No.	Name	Kh No	Claims	Remarks
1	Sunil Kumar S/o Shyam Singh, Satbir Singh S/o Munshi Ram, Naveen Kumar S/o Satbir Singh, Baljit Singh S/o Rattan Singh, Mamta W/o Bijender Singh	10//27 min	Market value @ Rs.20,000 per Sq yard, alternative plot & statutory benefits, compensation of Rs. 25,000 per acre. for the loss & injury of the annual income from agriculture land.	No proof enclosed for determination of Market value of Land.
2	Prikshit S/o Rattan Singh,	10//27 min	Market value @ Rs.20,000 per Sq yard, 30 % solatium , alternative plot/ shop/ industrial plot, interest @ 24%, value of trees @ Rs. 20,000 per tree, tube well @ Rs. 2 Lakh per tube well, Kotha/ Room @ Rs. 2 Lakh per koth & statutory benefits.	-----DO-----
3	Attar Singh S/o Sher Singh	10//27 min	Market value @ Rs.20,000 per Sq yard, 30 % solatium , alternative plot/ shop/ industrial plot, interest @ 24%, value of trees @ Rs. 20,000 per tree, tube well @	-----DO-----

			Rs. 2 Lakh per tube well, Kotha/ Room @ Rs. 2 Lakh per koth & statutory benefits.	
4.	Rajender S/o Shri Chand	10//27 min	Market value @ Rs.20,000 per Sq yard, 30 % solatium , alternative plot/ shop/ industrial plot, interest @ 24%, value of trees @ Rs. 20,000 per tree, tube well @ Rs. 2 Lakh per tube well, Kotha/ Room @ Rs. 2 Lakh per koth & statutory benefits.	-----DO-----
5.	Delhi Jal Board Thr. Chief Engineer (W), Projects	10//27 min	Amount of compensation be decided on the basis of minimum rates suggested by Govt. of Delhi keeping in view the status of Land	-----DO-----

IV. MARKET VALUE OF THE LAND

While determining the market value of the land as on the date of notification u/s 4 i.e.20-02-2007, several factors such as location of the land, nature of soil, awards announced in the recent past of the same or adjoining areas/villages, pronouncements of different courts, claims filed by the interested persons, sale deeds, and price policy of the Government regarding acquisition of the agricultural land are to be taken into consideration.

The land under award is basically agricultural in nature and is exclusively used for agriculture. The interested persons have claimed exorbitant prices @ Rs. 20,000 per sq. yard. However, no documentary evidence in support of their claims has been led. Hence these claims cannot form the basis for the fixation of market value of the land. Notice u/s 50 of LA act was issued to the requisitioning department i.e. Delhi Jal Board (DJB) which in reply has stated that the amount of compensation be decided on the basis of minimum rates suggested by Govt. of Delhi keeping in view the status of Land.

The status of land under acquisition is agriculture land as per entry in the Revenue Records. However, on survey done by the staff of Land Acquisition branch, it is found that the most of the portion of land under acquisition is water logging and rest of the land around 4 biswas is built up in the form of structures. These structures are contrary to the provisions of Delhi Land Reforms Act 1954 since the land under DLR Act 1954 can be used for agricultural purposes only. Consequently, the land under acquisition is agricultural and the rates as specified by Govt. of NCT Delhi for

agricultural land can only be applied as rational approach to determine the market value.

It may be mentioned that the rate of compensation is determined as per the market value prevailing at the time of notification of section 4 LA Act, 1894. The market value in case of agricultural land while announcing the award, the LAC follows the provisions of section 23 & 24 of LA Act and instructions issued by the Government from time to time and other guidelines issued by Hon'ble Court.

In a policy announcement which came into effect from the financial year 2005-2006, Government of National Capital Territory of Delhi fixed the indicative prices of agricultural land @Rs.17,58,400 per acre for the acquisition of agricultural land vide letter no F9(20)/80/L&B/LA/6720 dated 30-8-2005 which are applicable from 30-8-2005 to 17-12-2007. The Govt. has re-fixed the market value of agriculture land @Rs. 53 lac per acre vide notification no. F.9(20)/80/L&B/LA/15065 dated 24-01-2008. In present case the notification u/s 4 of LA Act was issued on 20/02/2007, hence the indicative price of Rs 53 lac per acre can not be applied as it is effective only on those notifications which have been issued on or after 18/12/2007.

The land in question was notified U/s 4 in the year February 2007, In view of absence of any documentary evidence on record and in the light of above discussion I find Rs. 17,58,400/- per acre to be the most reasonable price for the agricultural land as on 20-2-2007. The notification under section 4 was issued on 20-2-2007 and the price of land is to be determined as on the date of notification u/s 4 of the LA Act itself. I, **accordingly, determine the market value of the land @ Rs. 17,58,400/- per acre.**

There existed no trees or tubewells on the said land as claimed by the interested parties and hence the claims of the interested parties have not been considered.

In addition to the market value of land fixed above, land owners will be entitled to all other benefits as per the provisions of the Land Acquisition Act, 1894.

V. SOLATIMUM

As provided under sub-section 2 of section 23 of the Land Acquisition Act, 1894, Solatium @ 30% shall be paid to the interested persons on the market value of the land.

VI. 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. 20-2-2007 till the date of possession or announcement of the award whichever is earlier.



VII. POSSESSION

The possession of the notified land was taken over in two stages. Physical possession of the land measuring 21 bigha 17 biswa out of the total notified land which was found vacant on the site was taken over & handed over to requisitioning department on 30/04/2008 on the strength of notification U/s 17(1) of the LA Act 1894. Possession of the balance Land measuring 4 biswa could not be taken over on 30/04/2008 as the said 4 biswa land was built up on 30/4/2008. Thereafter the interested persons themselves vacated the built up portion and accordingly the possession of the remaining land measuring 4 biswa being vacant was taken over on 14/10/2009. Therefor the possession of whole piece of notified land was taken over on 30/4/2008 for (21-17) & 14/10/2009 for (0-4).

VIII. NAKSHA MUTJAMIN / APPORTIONMENT

Compensation will be paid to the land owners as per the latest entries in the revenue record. It is noteworthy here that 80% compensation @ Rs. 15.70 lac per acre had already been offered as an interim compensation on account of applicability of section 17(1) of LA Act on the land and also 30% solatium on the interim compensation which shall be deducted from the final award by disbursing the awarded compensation.

In case of any dispute regarding title or apportionment of compensation, the matter will be referred to the concerned court of Additional District Judge, Delhi under section 30-31 of the LA act, 1894.

The details of apportionment of the land measuring (21-17) the possession of which was taken over on 30/04/2008 on the basis of revenue record and claims filed are as under:-

Sl. No.	Name & Share	Khasra No.	Area	Market Value	Solatium 30%	Addl. Amt. @ 12% pa 20/02/2007 to 30/4/2008 436 Days	Int. U/s 34 @ 9 1/5/2008 to 30/4/2009 365 Days	Int. U/s 34 @ 15 1/5/2009 to 15/12/2009 229 Days	Grand Total
1	RAJENDER SINGH S/o SHRI CHAND - 1/2 V.P.O. MAJRI	10//27 min	0-4-0 A 0-4-0	36633.33	10990	5251.11	1697.2	1774.7	56346.35
2	PAIKSHIT S/o RATTAN SINGH - 1/4 V.P.O. MAJRI			18316.67	5495	2625.56	848.6	887.35	28173.17
3	ATTAR SINGH S/o SHER SINGH - 1/4 V.P.O. MAJRI			18316.67	5495	2625.56	848.6	887.35	28173.17
4	ANAND SINGH S/o RATTAN SINGH - 1/1 V.P.O. MAJRI	10//27 min	4-8-11 A 4-8-11	1621940.82	486582.25	232493	75143.64	78574.86	2494734.56
5	RAM	10//27 min	3-10-18 A	1298651.65	389595.5	186151.93	60165.83	62913.13	1997478.03

	CHANDER S/o SHRI RAM - 1/1 V.P.O. MAJRI		3-10-18						
6	SUNIL KUMAR S/o SHYAM SINGH - 1/2 V.P.O. MAJRI	10//27 min	0-4-0 A 0-4-0	36633.33	10990	5251.11	1697.2	1774.7	56346.35
7	SATBIR SINGH S/o MUNSHI RAM - 1/2 V.P.O. MAJRI			36633.33	10990	5251.11	1697.2	1774.7	56346.35
8	NAVEEN KUMAR S/o SATBIR SINGH - 1/1 V.P.O. MAJRI	10//27 min	0-4-0 A 0-4-0	73266.67	21980	10502.22	3394.4	3549.4	112692.7
9	BALJEET SINGH S/o RATTAN SINGH - 1/1 V.P.O. MAJRI	10//27 min	0-2-13 A 0-2-13	48539.17	14561.75	6957.72	2248.79	2351.48	74658.91
10	MAMTA W/o BIJENDER SINGH - 1/1 V.P.O. MAJRI	10//27 min	0-1-7 A 0-1-7	24727.5	7418.25	3544.5	1145.61	1197.92	38033.78
11	SAJJAN KUMAR S/o NIRANJAN SINGH - 1/1 V.P.O. MAJRI	10//27 min	4-8-11 A 4-8-11	1621940.82	486582.25	232493	75143.64	78574.86	2494734.56
12	GRAM SABHA S/o BDO - 1/1 V.P.O. ALIPUR	10//27 min	8-13-0 A 8-13-0	3168783.3	950634.99	454221.21	146807.98	153511.54	4873959.03
Gross Total			21-17-0	8004383.26	2401314.98	1147368.03	370838.71	387771.98	12311676.97

The details of apportionment of the land measuring (0-4) the possession of which was taken over on 14/10/2009 are as under:

Sl. No.	Name & Share	Khasra No.	Area	Market Value	Solutium 30%	Addl. Amt. @ 12% pa to 20/02/2007 to 14/10/2009 968 Days	Int. U/s 34 @ 9 to 15/10/2009 to 15/12/2009 62 Days	G. Total
1	RAJENDER SINGH S/o SHRI CHAND - 1/2 V.P.O. MAJRI	10//27 min	0-0-1 A 0-0-1	457.92	137.37	145.73	4.83	745.85
2	PAIKSHIT S/o RATTAN SINGH - 1/4 V.P.O. MAJRI			228.96	68.69	72.87	2.41	372.93
3	ATTAR SINGH S/o SHER SINGH - 1/4 V.P.O. MAJRI			228.96	68.69	72.87	2.41	372.93
4	ANAND SINGH S/o RATTAN SINGH - 1/1 V.P.O. MAJRI	10//27 min	0-0-16 A 0-0-16	14653.33	4396	4663.37	154.5	23867.21
5	RAM CHANDER S/o SHRI RAM - 1/1 V.P.O. MAJRI	10//27 min	0-0-13 A 0-0-13	11905.83	3571.75	3788.99	125.53	19392.1
6	SUNIL KUMAR S/o SHYAM	10//27 min	0-0-1 A	457.92	137.37	145.73	4.83	745.85

	SINGH - 1/2 V.P.O. MAJRI		0-0-1					
7	SATBIR SINGH S/o MUNSHI RAM - 1/2 V.P.O. MAJRI			457.92	137.37	145.73	4.83	745.85
8	NAVEEN KUMAR S/o SATBIR SINGH - 1/1 V.P.O. MAJRI	10//27 min	0-0-1 A 0-0-1	915.83	274.75	291.46	9.66	1491.7
9	BALJEET SINGH S/o RATTAN SINGH - 1/1 V.P.O. MAJRI	10//27 min	0-0-1 A 0-0-1	915.83	274.75	291.46	9.66	1491.7
10	MAMTA W/o BIJENDER SINGH - 1/1 V.P.O. MAJRI	10//27 min	0-0-1 A 0-0-1	915.83	274.75	291.46	9.66	1491.7
11	SAJJAN KUMAR S/o NIRANJAN SINGH - 1/1 V.P.O. MAJRI	10//27 min	0-0-16 A 0-0-16	14653.33	4396	4663.37	154.5	23867.21
12	GRAM SABHA S/o BDO - 1/1 V.P.O. ALIPUR	10//27 min	0-1-10 A 0-1-10	27475	8242.5	8743.82	289.68	44751
Gross Total			0-4-0	73266.67	21980	23316.87	772.49	119336.02

LAND REVENUE

The land revenue being assessed has been deducted from the Khalsa rent roll of village from the date of taking over the possession of the land.

SUMMARY OF AWARD-I

IN RESPECT OF LAND MEASURING (21-17), THE POSSESSION OF WHICH HAS BEEN TAKEN ON 30/04/2008.

In Rs.

1.	Market Value of land measuring 21 Bigha 17 Biswa @ Rs. 17,58,400/- per Acre Or say @ Rs.3,66,333.33 per Bigha.	80,04,383.26
2.	Solatium @ 30% on the Market Value U/s 23(2) of LA Act 1894	24,01,314.97
3.	Additional Amount @ 12% P.A. U/s 23(1-A) of LA Act 1894 on the market value w.e.f. 20/02/2007 to 30/04/2008 for 436 days.	11,47,368.03
4.	TOTAL(1+2+3)	1,15,53,066.26
5.	80% compensation already received in respect of land measuring (21-17) in view of invoking urgency clause@ Rs. 15.70 per acre along with 30% solatium.	74,32,635.84
6.	Balance 20% Compensation (Col. 4-5)	41,20,430.42
7.	Interest @ 9% p.a on [{(MV+Solatium+addl. Amount)-80% compensation already received } i.e. 41,20,430.42 U/s 34 of LA Act w.e.f.	3,70,838.73

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	01/05/2008 to 30/04/2009 for 365 days.	
8.	Interest @ 15% p.a on [{(MV+Solatium+addl. Amount)-80% compensation already received } i.e. on 41,20,430.42 U/s 34 of LA Act w.e.f. 01/05/2009 to 15/12/2009 for 229 days.	3,87,772.01
9.	Total (COL. 4+7+8)	1,23,11,677.00

SUMMARY OF AWARD-II

IN RESPECT OF LAND MEASURING (0-4), THE POSSESSION OF WHICH WAS TAKEN 14/10/2009.

		In Rs.
1.	Market Value of land measuring 4 Biswa @ Rs. 17,58,400/- per Acre Or say @ Rs.3,66,333.33 per Bigha.	73,266.66
2.	Solatium @ 30% on the Market Value U/s 23(2) of LA Act 1894	21,979.99
3.	Additional Amount @ 12% P.A. U/s 23(1-A) of LA Act 1894 on the market value w.e.f. 20/02/2007 to 14/10/2009 for 968 days.	23,316.86
4.	TOTAL(1+2+3)	1,18,563.51
5.	80% compensation already received in respect of land measuring (0-4) in view of invoking urgency clause.	68,033.28
6.	Balance 20% Compensation (Col. 4-5)	50,530.23
7.	Interest @ 9% p.a on [{(MV+Solatium+addl. Amount)-80% compensation already received } i.e. on 50,530.23 U/s 34 of LA Act w.e.f. 15/10/2009 to 15/12/2009 for 62 days.	772.48
8.	Total (COL. 4+7)	1,19,336.09

Total Summary of Award

Table 1 for land measuring (21-17) = Rs. 1,23,11,677.00

Table 2 for land measuring (0-4) = Rs. 1,19,336.09

Grand Total of Award = 1,24,31,013.09

or say

= 1,24,31,013.00

(Rs. One Crore Twenty Four Lac Thirty One Thousand and Thirteen Only)

14/12/09
APPROVED
 Secretary (Revenue)

[Signature]
LAND ACQUISITION COLLECTOR
NORTH-WEST DISTRICT

Announced in open court