

AWARD NO.

5/2004-05

NAME OF THE VILLAGE

MAMMOORPUR

NATURE OF ACQUISITION

PERMANENT

PURPOSE OF ACQUISITION

FOR DEVELOPMENT OF NARELA
PROJECT UNDER P.D.D.

INTRODUCTORY

These are the proceedings for determination of compensation U/s 11 of LA Act, 1894 in respect of land measuring 9 bigha 15 biswa in village Mammoorpur, Delhi. The land is required by the Government for a public purpose namely for Development of Narela Project, under Planned Development of Delhi.

The land stands notified under section 4 of LA Act, 1894 vide notification No. F.11(1)/2001/L&B/LA/19456 dated 12.11.2003. The Land & Building Department issued a declaration under section 6 of LA Act, in respect of the aforesaid land vide notification No. F. 11(1)/2001/L&B/LA/24168 dated 27.1.2004.

In pursuance of the said notification, notices under section 9 & 10 of the LA Act, 1894 were pasted in the chaupal of the village at two different places in presence of the villagers. Also notice U/s 10 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 area to be acquired as given in the declaration under section 4 & 6 of the LA Act is 9 bigha 15 biswa. Field staff also measured the land to be

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9 bigha 15 biswa. Hence, the total area of the land to be acquired comes to 9 bigha 15 biswa.

Thus, the present award is for 9 bigha 15 biswa land as per detail given below: -

Kh. No.	Area (Bigha-Biswa)
347	1-06
411	5-00
470	2-03
525	1-06
TOTAL	9-15

CLAIMS

Since the land is a Shamlat land notices under section 9 and 10 was pasted on the chaupal of the village at two different places in presence of the villagers. In response to the notices following persons have filed their claims: -

S.No.	Name	Kh. No.	Claim	Remark
1	Kanak Singh thok Jawahar Lal, suraj Bhan both Ss/o Banwari Dinesh, Madan, Roshan Lal, Jagdish, Shiv Shanker all Ss/o Rohtash Jagmohan, Subhash, Krishan Gopal, Shyam Sunder all Ss/o Om Dutt Ashwani Jaswant both Ss/o Hem Chander Ram Nath S/o Kure	347	Land @ Rs.15,000/- per Sq yds, 30% solatium, alternative plot/shop/industrial plot, employment to one member of the claimants family, Rs.10.00 lacs for damages for leveling, maintenance and construction of paddi(staircase), plus statutory allowance.	No evidence in support of the claim has been provided.

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2	<p>Hukmi Thok Rishi Prakash S/o Chunni Lal Naresh Kumar S/o Har Gopal Mange Ram S/o Deep Chand Ganga Dutt S/o Ram Lal Jayanti Devi W/o Meher Chand Layak Ram S/o Harphool ShivShanker, Satya Prakash, Satish Kumar all Ss/o Kundan Lal Anil Kumar, Rajesh kumar both Ss/o Radhey Shyam Kamla Devi W/o Bhim Singh Budh Ram, Chander Karan both Ss/o Chattar Singh Laxmi Narayan S/o Gyan Chand Onkar Nath, Ssurrender Kumar, Virender Kumar all Ss/o Radhey Lal Rajender Prasad, Surrender Kumar both Ss/o Prabhu Dayal Gaurav S/o Narender Kumar Surrender Kr, Devender Kr, Brahm Dutt, Satprakash, Lakhmi all Ss/o Ram Lal Raj Pal, Krishan Kr both Ss/o Moti Ram Suresh S/o Deep Chand Satya Prakash S/o Jage Ram Ajay S/o Om Prakash</p>	470/1	-do-	-do-
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Notice under section 50 of the LA Act, 1894 was issued to the requisitioning department to adduce evidence for the purpose of determining the amount of compensation. The requisitioning department vide its letter No.9(3)2004/CRC/North/298-99 dated 29.3.04 has informed that DDA has no objection if the compensation is assessed @Rs.15,70,000.00 per acre fixed by Land & Building department.

MARKET VALUE

While determining the market value of the land as on 12.11.2003, 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.

The land under acquisition is not agricultural land. The steps have been constructed/raised in the land leading to the village pond. The interested persons have generally claimed exorbitant prices of their land by making claims about Rs. 15,000.00 per Sq. Yds but have not filed any evidence in support of his claim.

Since the interested persons have failed to produce any legal evidence of the market value of the acquired land in question. The claims therefore, cannot form the basis for determination of market value.

As regards the reply furnished by the requisitioning department is concerned, wherein they have stated that they have no objection if the compensation is assessed @Rs.15,70,000.00 per acre fixed by Land &

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Building department. It is submitted that 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.15,70,000.00 per acre for the acquisition of agricultural land vide their order No. F.9(20)/80/L&B/LA/6696 dated 9.8.2001 which are applicable with effect from 1.4.2001.

As has been discussed earlier that the land under acquisition is not agricultural in nature. The aforesaid policy of the Government applicable in case of agricultural land cannot be accepted. As per the survey report of Naib Tehsildar and his sub-ordinate staff the land is situated at the outskirts of the village. The steps are in deteriorating condition. The land is used for throwing all waste of the village and for attending the nature call. Since, the land under acquisition surrounds the pond, the land can easily be classified as river bed land. 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 river bed land @ Rs.5,05,000.00 per acre for the acquisition of river bed land vide their order No. F.9(20)/80/L&B/LA/6696 dated 9.8.2001 which are applicable with effect from 1.4.2001.

In light of above discussion, I find Rs.5,05,000.00 per acre to be the most reasonable price for the land under acquisition land as on 12.11.2003. The notification under section 4 was issued on 12.11.2003 and the price of the land is to be determined as on the date of notification Under section 4 of Land Acquisition Act itself.

I, accordingly, determine the market value of the land @ Rs.5,05,000.00 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.

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SOLATIUM

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 value 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. 12.11.2003 till date of possession or announcement of 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 given after announcement of award.

STRUCTURE

There also exists some structures in contrary to the land use like Jhuggi and temporary house etc. Hence the market value of these structures which is unlawful or contrary to the land use has been disregarded and the market value shall be deemed to be the market value of the land if put to ordinary use.

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APPORTIONMENT

Compensation will be paid to the land owners as per the latest entries in the revenue record. In case of any dispute regarding title, apportionment of compensation, the matter will be referred to the court of ADJ, Delhi under section 30-31 of the LA Act, 1894. The details of apportionment is as under:

S No	Name	Kh No	Area in Bigha-Biswa	Compensation (in Rs.)
1	Shamlat Thok Hukmi Hasb	411 470/1 525 Total	5-00 1-15 1-06 8-01	11,64,209.98
2	Shamlat Thok Hukmi Hasb Rasad Khewal (Rehabilitation Rafe-e-Aam)	470/2	0-08	57,848.94
3	Shamlat Thok King Singh Hasb	347	1-06	1,88,009.06
TOTAL			9-15	1410068.00

LAND REVENUE

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.

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SUMMARY OF AWRAD

		(In Rs.)
1	Market value of land measuring 9 bigha 15 biswa of @ Rs.5,05,000.00 per acre or say @Rs. 5260.41 per biswa	10,25,779.95
2	Solatum @30% on the market value U/s 23(2) of LA Act, 1894.	3,07,733.98
3	Additional amount @12% p.a on the market value w.e.f. 12.11.2003 to 25.6.2004 for 227 days U/s 23(1-A) of LA Act, 1894.	76,554.09
4	TOTAL(COL 1+2+3)	14,10,068.02 Or say 14,10,068.00

(Rupees Fourteen Lacs Ten Thousand Sixty Eight Only)


(S.R. KATARIA)
Land Acquisition Collector(N-W)

APPROVED


26/5/2004.
Secretary (Revenue)