

AWARD

5 /DC(N-W)/2006-07

NAME OF THE VILLAGE**SAMEY PUR****NATURE OF ACQUISITION****PERMANENT****PURPOSE OF ACQUISITION**

**FOR PUBLIC PURPOSE NAMELY
FOR ROHINI RESIDENTIAL SCHEME
(LAYING OUT ROAD IN SEC-16, ROHINI)
UNDER P.D.D.)**

INTRODUCTORY

These are the proceedings for determination of compensation U/s 11 of Land Acquisition Act, 1894 in respect of land measuring 15 Bighas & 11 Biswas in village Samey Pur, Delhi. The land is required by the Government for a public purpose namely for Rohini Residential Scheme (laying out road in Sec-16, Rohini) under Planned Development of Delhi.

The land stands notified under section 4 of Land Acquisition Act, 1894 vide notification No. F.11 (25)/2005/L&B/LA/652 dated 25.4.2006. The Land & Building Department issued a declaration under section 6 of Land Acquisition Act, 1894 in respect of the aforesaid land vide notification No. F.11 (25)/2005/L&B/LA/9129 dated 7.9.2006.

In pursuance of the said notification, notices under section 9 & 10 of the Land Acquisition Act, 1894 were issued to the interested persons. Also notice U/s 50 of the Land Acquisition Act, 1894 was issued to the requisitioning department i.e DDA. 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 6 of the Land Acquisition Act, 1894 is 15 bighas & 11 biswas. The actual total area of the notified land U/s 6 is 15 bighas & 11 biswas. The field staff measured the land and found it to be correct on verification from revenue records.

Thus the present award is for **15 bighas & 11 biswas**.

Rectangle No.s	Kh. No.	Area Bigha-Biswa
33	23	3-16
	24 min	1-00
	26	5-10
55	2	5-05
	Total	15-11



CLAIMS

In response to the notices issued under section 9 and 10 (to interested persons) and under section 50 (to requisitioning Department) of the Land Acquisition Act following persons/department have filed their claims:-

S.No	Name of the Claimant	Kh. No	Claims	Remarks
1	M/S M.S. Chemicals through its proprietor Rajender Singh	33//26, 33//23	Market value @ Rs. 1 lac per sq. mtr., Rs. 5 lac for shifting of business, Rs. 30 lacs for building, boundry wall and standing structure, alternative plot, 30% solatium, 12% additional amount, Rs. 20 lacs damages on a/c change of business, Rs 20 lacs for other benefits, Rs. 20 lacs for loss of goodwill	No proof enclosed
2.	Balwant Kaur W/o Kuldeep singh	55//2	-do-	-do-
3.	M/s B.S. Petro Chemicals through prop. Balwant Kaur	-do-	-do-	-do-
4.	S.L. Malik S/o Sunder Dass	33//23, 33//26, 55//2	-do-	-do-
5.	Jasbir Kaur W/o Iqbal Singh	33//23, 24,26, 55//2	-do-	-do-
6.	Daljeet Malik W/o S.L. Malik	55//2	-do-	-do-
7.	Surender Kumar S/o Naubatram	33//23, 24,26	-do-	-do-
8.	Madan Lal Arora s/o Kesho Dass Arora	33//23, 24,26, 55//2	-do-	-do-
9.	B .S. Chemical Industires through Partner Kuldeep Singh	33//23, 24,26, 55//2	-do-	-do-



10.	Preet Pal Singh S/o Darshan Singh	33//24	-do-		-do-
11.	Satwant Kaur W/o Karam Singh	33//23, 24,26,	-do-		-do-
12.	Parvinder Singh S/o Mangat Singh	33//23, 24,26, 55//2	-do-		-do-
13.	Surender Singh S/o Mangat Singh	33//23, 24,26, 55//2	-do-		-do-

MARKET VALUE

While determining the market value of the land as on 25/04/2006, 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, awards announced in the recent past of the same or adjoining villages, pronouncement of different courts regarding acquisition of land are to be taken into consideration. The Land under acquisition in Village Samey Pur is required for the purpose namely, "For Rohini Residential Scheme. Village Samey Pur has been urbanized u/s 507 of MCD Act 1957 vide their notification No. plan cell/90-91/337 dated 24/09/1990. The land under acquisition is required for laying out road and setting up of residential project. Therefore it will be required to be developed according to planned Scheme.

Claims filed by the claimants have been perused. The interested persons are claiming the market value @ Rs. 1.00 lac per sq. mtr. although, no cogent evidence has been enclosed for determination of true market value of Land under acquisition. Analogously, Interested persons have claimed 8.00 lacs for Shifting of business premises, 50 lacs for building structure, 20 lacs for damage on account of change in business and 50 lacs for other benefits (say, salaries of employees due to shut down of business). I have considered the same. However, there is no evidence in support of their claims filed by the interested persons. It seems as if interested persons were claiming benefits in a predetermined manner. The structures which are existing on the land under acquisition have been sought to be verified from DDA and MCD, if they are approved or not as per their plans vide this office letter No. 2229-2233 dated 3.11.06. DDA vide its letter no. F.14(1)78/CRC/DDA/592 Dated 10/11/2006 has conveyed that the structures are unauthorized. MCD has not given any reply on this account.

A notice U/s 50 of LA Act was issued to the requisitioning Deptt. for adducing evidence for determination of market value of the land. On these accounts DDA emphasized that the land is to be considered agricultural and compensation to be paid accordingly. The reply of DDA was considered in view of the location and status of the land under acquisition. There being no set of evidence prescribed in Samey Pur and near by localities, the schedule of market rates for land transfers in Delhi issued by Ministry of



Urban affairs and Employment, Govt. of India for 1st April 1998 till 31.3.2000 vide no. J-22011/4/95-LD dated 16/04/99. In the said list Rohini or Pitam Pura does not figure. Since no localities are scheduled in the list immediately adjacent to the land under acquisition thus these can not be a valid base for determining the fair market value of the land.

In view of the above discussion and going with the reply of notice u/s 50 of LA Act by the DDA I hold that the land should be treated as agriculture as no land use change has ever been applied by the land owners.

In a policy announcement which came into effect from the financial year 2005-06, the Government of Delhi fixed the indicative prices of agricultural land @ Rs. 17,58,400/- per acre for the acquisition of agricultural land vide their order no. F.9(20)/80/L&B/LA/6720 dated 30.08.05 which are applicable with effect from 30.08.05. In view of the absence of any documentary evidence on record to the contrary, and in light of the discussion, accordingly Rs. 17,58,400/- per acre to be the most reasonable price for the agricultural land as the notification u/s 4 was issued on 25/04/2006 and the price of the land is to be determined as on the date of notification u/s 4 of Land Acquisition Act itself.

Considering the structures raised on the agricultural land without the sanctioned plan no compensation is awarded for the structures.

Accordingly, the market value of the land is fixed at Rs. @ 17,58,400/- per acre. In addition to the market value fixed above, land owners will be entitled to all other statutory benefits as per the provisions of the Land Acquisition Act. 1894.

SOLATIUM

As provided under sub-section 2 of section 23 of the Land Acquisition 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. 25.04.2006 till date of possession or announcement of the award whichever is earlier.

POSSESSION



Physical possession of the land under acquisition will be taken and handed over to requisitioning department i.e DDA through Land & Building Department after announcement of the award.

STRUCTURE

As per joint survey report dated 26.04.05 the area under acquisition is *found to be* heavily built up in the form of factories and godowns.

APPORTIONMENT

Compensation will be paid to the land owners as per the latest entries in the revenue records. 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 Land Acquisition Act, 1894.

The details of apportionment are as under:

S. No.	Name	Rectangle No.	Kh. No.	Area (Bighas-Biswas)	Compensation (in Rupees)
1	Inder pal singh S/o Harbans Singh (50/105 Share)	55	2	5-05	12,54,414.76
2	S.L.Malik S/o Sunder Dass (8/105 Share)				2,00,706.36
3	Daljeet Malik S/o S.S.Malik (19/105 Share)				4,76,677.60
4	Sukhbir S/o Mulja Singh (8/105 Share)				2,00,706.36
5	Madan Lal Arora S/o Keshav Dass (15/105 Share)				3,76,324.42
6	Devi Dass S/o Nishan Dass (5/105 Share)				1,25,441.47
7	M/s B.S, Chemical Industries (36/76 Share)	33	23	3-16	9,03,178.80
8	Om Prakash Bahal S/o Balkishan (2/76 Share)				50,176.60
9	S.L. Malik S/o Sunder Dass (15/76 Share)				3,76,324.50
10	Hardarshan Singh S/o Dhyhan Singh (11/76 Share)				2,75,971.30

11	Sabita Sharma W/o Shiv Kumar (11/76 Share)				2,75,971.30
12	Madan Lal Arora S/o Keshav Dass Arora (1/76 Share)				25,088.30
13	M/s B.S. Chemical Industries (41/100 Share)	33	24min	1-00	2,05,724.09
14	Preetpal S/o Darshan Singh (18/100 Share)				90,317.89
15	Chandrani W/o Kishan Lal (8/100 Share)				40,141.28
16	Surender Singh S/o Mangal Singh (12/100 Share)				60,211.92
17	Parvinder S/o Mangat Singh (12/100 Share)				60,211.92
18	Rajrani W/o Kundan Lal (9/100 Share)				48,158.94
19	M/s B.S. Chemical Industries (24/110 Share)	33	26	5-10	6,02,119.20
20	Inder pal S/o Harbans Singh (3/110 Share)				75,264.90
21	S.L. Malik S/o Sunder Dass (5/110 Share)				125,441.50
22	Surender Kumar S/o Nobat Ram (28/110 Share)				702,472.40
23	Hardwari Lal S/o Bhola Ram (37/220 Share)				4,64,133.55
24	Lal Chand S/o Bhola Ram (37/220 Share)				4,64,133.55
25	Madan Lal Arora S/o Keshav Dass (2/110 Share)				50,176.60
26	Satwant Kaur W/o Karam Singh (11/110 Share)				2,75,971.30

LAND REVENUE

The land revenue is assessed and will be deducted from the Khalsa rent roll of village from the date of taking over the possession of the land.

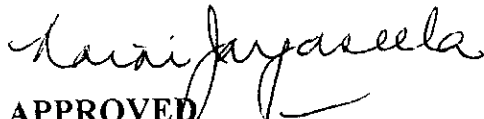
SUMMARY OF AWARD




1	Market value of land measuring 15 bigha 11 biswa 17,58,400/- per acre or Rs. 25,088.30 per biswa	56,96,481.26
2	Solatum @ 30% on the Market value under section 23(2) of LA Act 1894	17,08,944.37
3	Additional amount @12% p.a. on the Market value w.e.f. 25/4/2006 to 23/11/2006 for 212 days U/s 23(1-A) of LA Act 1894.	3,97,036.94
	TOTAL (COL. 1+2+3)	78,02,462.57



(KRISHAN KUMAR)
Land Acquisition Collector (NW)


APPROVED
SECRETARY (Revenue)

Award announced in open Court on 24th November 2006


24/11/2006.