

AWARD No. 2017

Name of the village:

Amber Hai.

Nature of acquisition:

Permanent.

INTRODUCTION:

The land situated in the village Amber Hai measuring 45 bighas and 6 biswas along with the land in other villages is needed by the Government at the public expense for a public purpose namely for the widening of Najafgrah Drain in the reach between Chhawala Bridge to Kakraula Regulator. A notification under section 4 of the L.A. Act was made vide the notification No.F.15(44)/66-L&H(I) dated 27.5.1967. The provisions of section 5-A for hearing and inviting the objections from the interested persons were dispensed with and section 17 was applied for taking possession of the land under acquisition vide the notification No.F.15(44)/66-L&H(I) dated 27.5.1967. Simultaneously a declaration under section 6 of the L.A. Act vide the notification No.F.15(44)/66-L&H(II) dated 27.5.1967. A notice under section 9(1) was given due publicity and notices under section 9(3) and 10(1) of the L.A. Act were served upon the interested persons. Almost all the interested persons have responded to the notices given to them.

'MEASUREMENT & OWNERSHIP'

According to the notification under section 6 of the Land Acquisition Act the total area to be acquired is 45 bighas and 6 biswas. But from further verification made on the spot under section 8 of the L.A. Act the area under acquisition comes to ²46 bighas and ²18 biswas. The difference of ⁹⁻¹²3 biswas is due to the measurement at the site. I, therefore, hold the area under acquisition to be true at ²46 bighas and ²18 biswas, the detail of which according to the Revenue Record is as given below:-

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Sl.No. Name of the Bhumidar(s). Khasra No. Area. Kind of land.
Big.Bis.

1. Kundan Lal s/o Dewak Ram. Rect.No.22.
Killa No.11/3/1. 0 - 13 Unirrigated.
2 Rect.No.23
15/2. 0 - 17 Jadid.
2
2. Ram Mehr s/o Shiv Ram. Rect.No.22.
Killa No.10/2/1. 0 - 02 Unirrigated.
Rect.No.23.
Killa No.6/1. 3 - 19 -do-
3. Shmt. Sarti M/o Jaswant singh, 1/2 share; Jai Singh, Rai Singh, Mange Ram, Mohinder Singh ss/o Abe Ram in equal shares 1/2 shares. Rect.No.29.
Killa No.3/1. 3 - 01 Unirrigated.
4. Kanya Lal, Surjan Singh, Rattan Singh ss/o Sukh Lal. Rect.No.30.
Killa No.14/1. 2 - 11 Unirrigated.
15/1. 1 - 03 -do-
17/1. 2 - 01 -do-
18. 1 - 11 -do-

7 - 06

5. Jamadar Sher Singh, Surat Singh ss/o Chena, in equal share=1/2; Duli Chand s/o Ami Lal =1/2 shares. Rect.No.22.
Killa No.20/2/1. 1-07 Unirrigated.
21/1. 2-19 -do-
Rect.No.31.
Killa No.1/1. 2 -02* -do-

6 - 08

6. Sita Ram s/o Tulsi Ram. Rect.No.5.
Killa No.23/1. 0 - 14 Irrigated.
24/1. 0 - 1 -do-
Rect.No.23.
Killa No.4/1. 3 - 12 Unirrigated
5/1. 0 -18 -do-

5 - 05
-----3

7. Khushra, Khubi, Hira & Moji ss/o Birkha. Rect.No.30. Killa No.23/1. 3 - 01 Unirrigated.
8. Matlal, Mul Chand, Nahar Singh ss/o Datta Ram, Gokul Chand s/o Tej Ram, in equal shares 1/2, Duli Chand s/o Ami Lal-1/2 share. Rect.No.5 Killa No.22. 1 - 10 Unirrigated.
9. Shmt.Danpa wd/o Mangtu. Rect.No.31. Killa No.10/1/1. 0 - 04 Jadid.
Rect.No.30. Killa No.6/1. 3 - 03 Jadid.
Rect.No.31. Killa No.10/2/1. 0 - 07 Jadid.
3 - 14
10. Jagjit Singh s/o Tek Chand, Mange s/o Ramji Lal in equal shares. Rect.No.29. Killa No.8/1. 1 - 02 Unirrigated.
11. Surat Singh, Lakshmi Chand ss/o Jamadar Managat, in equal shares 1/2, Neki s/o Jiwan 1/2. Rect.No.29. Killa No.13/1. 0 - 02 Unirrigated.
12. Jamadar Duli Chand s/o Molar. Rect.No.29. Killa No.19/2/1. 1 - 03 Unirrigated.
22/1. 0 - 10 -do-
13. Chandagi, Sarup Singh ss/o Bhoru in equal shares 1/2, Giani Ram, Kali Ram, Birkha Ram ss/o Harnand in equal shares 1/2. Rect.No.29. Killa No.12/1. 3 - 00 Jadid.
19/1/1. 1 - 18 Unirrigated.
9. 1 - 16 -do-
6 - 14
14. Gaon Sabha. Rect.No.65/1. 0 - 08 Gm. Rasta.
Rect.No.71/1. 0 - 03 Gm. Rasta.
0 - 11
- G.Total 2 46 - 18 ...4

Classification of land:

Unirrigated.	37 - 01
Irrigated.	0 - 15
Gm. Rasta.	0 - 11
Jadid.	8 - 11 ²
	<u>46 - 18 ²</u>

'CLAIMS AND EVIDENCE'

The following claims have been filed by the claimants for compensation:-

<u>Sl.No.</u>	<u>Name of the claimant.</u>	<u>Compensation demanded.</u>
1.	Jamadar Duli Chand s/o Molar.	Rs.4000/- per bigha for the land.
2.	Chandagi, Sarup Singh s/o Bhoru, Giani Ram, Bhirkha Ram, Kali Ram ss/o Harmand.	Rs.4000/- per bigha for the land.
3.	Jagjit Singh s/o Tek Chand.	Rs.4000/- per bigha for the land.
4.	Ram Mehr s/o Sheo Ram.	Rs.5000/- per bigha for the land.
5.	Jai Singh, Rai Singh, Mange Ram, Mohinder Singh, ss/o Abhey Ram.	Rs.5000/- per bigha.
6.	Kanhiya Lal, Surjan Singh, Rattan Singh ss/o Sukh Lal.	Rs.5000/- per bigha.
7.	Sita Ram s/o Tule Ram.	Rs.6000/- per bigha.
8.	Khushia, Khubi, Hira, and Moji, ss/o Bhirkha.	Rs.5000/- per bigha.
9.	Kundan Lal s/o Dewak Ram.	Rs.6000/- per bigha.
10.	Shmt. Chotti, and Shmt. Bhoteri.	Rs.5000/- per bigha.
11.	Duli Chand, s/o Ami Lal, Sher Singh, Surat Singh ss/o Chuni Lal.	Rs.5000/- per bigha.
12.	Duli Chand, Mat Lal, Nahar Singh, Gokul Chand, & Mul Chand.	Rs.5000/- per bigha.

13. Neki s/o Jiwan.

Demanded a reasonable market value.

No evidence has been produced by any of the above claimants in support of their claims for compensation. Hence the rates of compensation demanded by them are not substantiated.

'MARKET VALUE'

The land under acquisition is situated at a distance of about two miles in the interior from the Kakraula Bridge on Delhi Najafgarh. The village Amber Hai itself is about $2\frac{1}{2}$ miles away from the Delhi-Najafgarh Road and is connected by a kucha road. Only one sale transaction has been recorded during the period of five years preceding the date of notification under section 4 of the Land Acquisition Act viz. 27.5.1967. According to the said transaction, as recorded vide the mutation No.608 dated 20.6.1962, the land measuring 26 bighas and 16 biswas was sold for a consideration of Rs.7000/-, thus yielding an average of Rs.261.19ps.per bigha. Hence the rate involved in this transaction cannot be relied upon for arriving at the correct market value of the land under acquisition. Some land of village Amber Hai measuring 30 bighas and 4 biswas is being acquired for construction of an additional pilot drain along the existing Najafgarh Drain from Chhawala to Kakraula Bridge, and the compensation @ Rs.500/- per bigha has been proposed. The land under acquisition adjoins the above said land, and is on the other side of the Drain. Both these lands are similar to each other. However, the date of notification under section 4 of the acquisition of the above said land is 13.12.1965, and the date of notification under section 4 of the present award is 27.5.1967. But as discussed above the sales transactions are scarce in this village, and I do not think that the price of the land could have risen during this period. In view of this fact, I am of the opinion that the compensation @ Rs.500/- per bigha would be a fair and ...6

reasonable market value of the land under acquisition, which I award accordingly.

'OTHER COMPENSATIONS'

There is neither any tree nor any well or structure on the land under acquisition, therefore, the question of assessment of compensation does not arise.

INTEREST: In addition to the value of the land, the owners are also entitled for interest @ 6% p.a. As stated above the possession of the land under acquisition has been handed over to the Flood & Drainage Department on 3.7.1967. Hence the interest is calculated w.e.f. 3.7.1967 upto 2.10.1967, as the award is likely to be announced on 3.10.1967.

15% solatium: As provided under section 23(2) of the L.A. Act, the owners are also entitled for 15% solatium for compulsory nature of acquisition.

'APPORTIONMENT'

The compensation will be paid according to the latest entries in the revenue record in presence of the parties and in case of dispute it will be sent to the Addl. Distt. Judge, Delhi for disbursement.

The compensation to the owners mentioned at sl.No.2,3, and as mentioned under the head 'Measurement & ownership' will be paid after they produce the clearance certificate as their land have been hypothecated on account of tacavi loans.

'SUMMARY OF THE AWARD'

Compensation for the land measuring 46 bighas and 18 biswas @ Rs.500/- per bigha.	Rs. 23,450.00
15% of the above as solatium for compulsory nature of acquisition.	Rs.3,517. 50ps.
Interest @ 6% on the above from 3.7.1967 to 2.10.1967.	Rs.26,967.50ps. ✓
	Rs. 407.84ps.
Grand Total ...	Rs.27,375.34

The land is assessed to a land revenue of Rs.17.03 ps. which will be deducted from the Khalsa rent roll of kharif, 1967.

(Zal Nowshervanji)
Land Acquisition Collector (DS),
DELHI/28.3.1967.

*The Award will be 2
announced on 26.10.67 -
Prepare Khalsa Amtazam 2
A statement in form
all concerned - 22002
P.S. N. Vats / 8. 10. 11*

Delhi Administration: Delhi.

NOTIFICATION.

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SPECIFICATION.

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By order,
(JAGMOHAN)
Secretary (Land & Building)
Delhi Administration.

Published in Part IV of Delhi Gazette.)
 DELHI ADMINISTRATION II.

NOTIFICATION.

5(44)/66-L&H(I). - Whereas it appears to the Lt. Governor, Delhi land is likely to be required to be taken by Government at the expense for a public purpose, namely for the widening of Najaf Drain in the reach between Chhawa Bridge to Kakraula Regulator, is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Lt. Governor is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and to all other acts required or permitted by that section.

The Lt. Governor being of the opinion that provisions of sub-section (1) of section 17 of the said act are applicable to this land is further pleased under sub-section (4) of the said section, to direct that the provisions of section 5A shall not apply..

SPECIFICATION.

Village	Total area		Filed Nos. or Boundaries.
	Biz.	Bis.	
Phulsiras.	168	2	122/1, 126/1, 127/1, 135/1, 136, 137, 139/1, 152/1, 154/1, 156/1, 157/1, 162/1, 163/1, 164/1, 165/1, 167/1, 172/1, 175/202/1, 205/1, 206/1, 207/1, 208/1, 210212/1, 237/1, 239/1, 241/1, 24243/1, 260/1, 262/1, 263/1, 272/1, 274/1, 279/1, 280/1, 28235/1, 297/1, 298/1, 300/1, 302305/1, 306/1, 307/1, 308/2/1, 311/1, 311/1/1, 313/1, 312, 320322/1, 263/2/1, 323/1, 324/1, 337329/1, 332/1, 333/1, 607/336/1, 337341/1, 345/1, 346/1, 347/1, 348/1, 351/1, 352/1, 353/1, 358/1, 359/1, 2/1, 3/1, 4/1, 11/1, 12, 13/1, 14/16, 17/1, 18, 19, 20/1, 21/1, 24/1127/1, 128, 129/1, 126/1,
Bannoli	52	13	22, 23/1, 24/1, 24/2, 4/1, 5/1, 6/1, 15/2, 10/2/1, 11/3/1, 20/2/1, 1/1, 10/1/1, 10/2/1, 6/1, 15/1, 14/1, 17/13/1, 8/1, 9, 12/1, 13/1, 19/1/1,
Ambarhai	45	6	29, 65/1, 71/1,

By order,
 (JAMMOHAN)
 Secretary (L&H) Delhi Admn.

माह तारीख सन् १८
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 माह तारीख
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