AWARD NO. 2137

NAME OF THE VILLAGE .... AMBER HAI.

NATURE OF ACQUISITION .... PERMANENT.

PURPOSE OF ACQUISITION .... WIDENING OF NAJAFGARH DRAIN.

AWARD

The land situated in the estate of village Amber Hai measuring 2 Bighas 14 Biswas, detailed below was urgently required by the Government at public expense, for a public purpose due namely the widening of Najafgarh Drain in the reach between Chhawala Bridge to Kakrola Regulator. Accordingly a notification u/s 4 of the L.A. Act was issued vide notification No.F.15(44)/66-L&H(i) dated 4-8-67 and a declaration u/s 6 of the Act was also issued simultaneously on 4.8.67 after dispensing with the provisions of section 5-A of the Act. In view of the urgency of the matter, provisions of section 17 of the Act were applied for immediate possession of the land and as possession of the land had already been with the Acquiring Department, so this provisions of section 17 was not enforced. Notices u/s 9 & 10 of the Act were issued to the interested persons and they have filed their claims about the land under acquisition.

MEASUREMENT & OWNERSHIP

The area of the land under acquisition as given in the notification u/s 6 is 2 Bighas 14 Biswas and a further verification was made at the spot and this area of 2 Big. 14 Bis. was found to be correct. The details of the land under acquisition are given below:-

Kh.No.	Area.	Kind of land.	Name of the owner.
23/3	Big. Bis. 2 - 14	Khali Zadid. (uncultivated).	S/S. Mit Lal, Mool Chand & Nahar Singh S/O Data Ram

<u>CLAIMS & EVIDENCE</u>:- All the recorded owners have put in their claims jointly and have pressed for compensation at the rate of Rs.5000/-per bigha of the land under acquisition. They have not put in any evidence in support of their claim, for compensation for which is now to be assessed on thebasis of the record available on the file.

<u>MARKET VALUE</u>:- The land under acquisition is just adjacent to the Najafgarh Drain and as stated above, it is being acquired for its widening. The other adjoining land which runs parallel to the drain have been acquired vide Award No.2017 wherein the learned Land Acquisition Collector has assessed compensation at the rate of Rs.500/-per bigha. The revenue staff has prepared a statement of the various sale transactions preceding 5 years from the date of notification u/s 4 dated 4-8-67. The statement shows that there has been no sale transactions in the village preceding 4 years prior to the material date i.e. w.e.f. 3.8.63 to 4.8.67. There is only one transaction as shown in the mutation register in the year 1962-63, wherein an area of 26 Bigh. 16 Bis. was sold for Rs.7000/- on 20.6.62 and its average per bigha comes to Rs.261-20 P. only. Since this solitary transaction relates to the period preceding 5 years from the material date, so it cannot be taken as a criteria to assess the compensation of the land under acquisition. There is also no decision of the court available, which can be helpful in the assessment, as all the references are still pending. There is no alternative left except to rely upon the award No.2017 for determining the market value. I have gone through that award and I am satisfied with the reasonings given by the learned Land Acquisition Collector while determining the market value of the land in that case. The land under acquisition is just adjacent to the land of award No.2017 and is of the same potentiality. There is only a difference of about 2 months in the date of notification u/s 4 of the land of award No.2017 and the land now under acquisition and

rate of Rs.500/- per bigha, which I consider as quite reasonable and adequate.

OTHER COMPENSATION:- There is no well, no tree nor any other structure on the land under acquisition and so question of assessment of compensation on these counts does not arise.

INTEREST:- Since the land under acquisition has been in the possession of the Acquiring Department prior to the date of notification u/s 4 dated 4.8.67, so the claiments are entitled to an interest at the rate of 6 % per annum w.e.f. 4.8.67 to the date of announcement of the award.

SOLITIUM:- The claiments are entitled in addition to the compensation cited above to 15 % more compensation as solitium for compulsory nature of acquisition.

MODE OF PAYMENT:- The compensation of the land under acquisition will be paid to the interested persons according to the recent entries in the Revenue Record in the presence of the parties and in case of dispute, it will be sent to the Addl. Sessions Judge for disbursement.

DEDUCTION OF LAND REVENUE:- The land under acquisition is assessed to Rs.1-8Paise as land revenue which is to be deducted from the land revenue roll of the village from the next harvest i.e. Khariff 1968.

SUMMARY OF THE AWARD:- The award is summarised as under:-

1.	Compensation for the land measuring 2 Bigha 14 Biswas @ Rs.500/-per bigha.	Rs.1350/-
2.	15 % compulsory acquisition.	Rs. 202- 50 P.
3.	Interest @ 6 % per annum w.e.f. 4.8.67 to 15.6.68 (Total days 316)	Rs. 80- 42 P.

GRAND TOTAL = Rs.1632-92 P.

Sinha 5.6.68

(R.K. SINHA)
LAND ACQUISITION COLLECTOR