

AWARD NO.02/DCN/2001-2002

NAME OF VILLAGE : CIVIL STATION
NATURE OF AWARD : PERMANENT
PURPOSE OF ACQUISITION : MASS RAPID TRANSIT SYSTEM

A notification for acquisition of land at Sham Nath Marg area forming part of village Civil Station of Civil Lines Sub Division of Delhi was notified U/s 4 of the Land Acquisition Act, 1894 vide Notification No.F.7(35)/95/L&B/LA/Vol.VIII/12212 dated 12.11.99 for construction of Mass Rapid Transit System. The declaration U/s 6 of Land Acquisition Act, 1894 was issued vide Notification No.F.7(35)/95/L&B/LA/Vol.VIII/14861 dated 18.1.2000. The specifications of land notified for acquisition are as under :-

SPECIFICATIONS

VILLAGE	TOTAL AREA (Bighas-Biswas)	MCD PROPERTY NO.	KHASRA NO.	AREA IN Sq.Metre
Civil Station	1-00 Appox.	15, Sham Nath Marg	537 Min	832 SQ.MT.

Wide publicity of the declaration U/s 6 of Land Acquisition Act, 1894 was given through major dailies in Delhi in English and Hindi languages. Declaration U/s 6 was published in Hindustan Times (English) on 21.1.2000 and in Nav-Bharat Times (Hindi) on 21.1.2000. Notification U/s 17 of the Land Acquisition Act, 1894 was issued vide Notification No. F.7(35)/L&B/LA/Vol.VIII/14862 dated 18.1.2000. Since the notification was issued U/s 17 of the Land Acquisition Act which is an urgency clause, the provision of Section 5-A of the Land Acquisition Act for inviting objections and making report to the Govt., was dispensed with.



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Notices U/s 9 and 10 of the Land Acquisition Act were issued and served on the interested persons as per the record. The claims from the interested persons were received and considered while making this award. The details of the claims received will be discussed under the heading 'Claims and Evidences.'

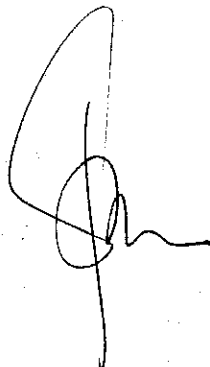
This acquisition involves only land, since no structures appurtenant there to exist on the declared land. This acquisition is being made for construction of Mass Rapid Transit System, being executed by the Delhi Metro Rail Corporation (D.M.R.C.). The possession of the area of 832 Sq.Mtr. as detailed in the notification was taken over on 1.9.2000 i.e. before the announcement of award. During the possession proceedings the officials of Transport Department, Land & Building Department, Govt. of N.C.T. of Delhi and officials from D.M.R.C. were present.

MEASUREMENT AND TRUE AREA

According to the notification U/s 4 and declaration U/s 6 of the Land Acquisition Act, 1894 there was no dispute between the area of land notified as 832 Sq.Mtr. and the area as measured and available on site. The possession of the land as notified U/s 17 of the Land Acquisition Act has already been taken over on 1.9.2000 after giving due notices U/s 9 and 10 of Land Acquisition Act.

CLAIMS AND EVIDENCES

In response to the notices U/s 9 and 10 issued by the Land Acquisition Collector, only one interested person has filed the claim as detailed below :-



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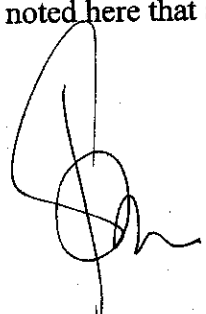
Sl No	Property No.	Name of the Claimant	Details of Claims
1.	15, Sham Nath Marth	M/s P.C. Khanna & Sons & Others	<ol style="list-style-type: none"> 1. Market value of the land @ Rs.1,20,000/- sq.mtr. (Rupees One Lac Twenty Thousand Only) 2. A sum of Rs.36,00,00,000/- (Rupees Thirty Six Crores only) on account of rendering the Petitioners unacquired land inhabitable and incapable of being use for any purpose, as result of the compulsory acquisition of the Petitioners land. 3. Solatium, additional amounts and interest under Section 23, 23(1A) and 28 of the Land Acquisition Act as per Amendment Act 68 of 1984

Sh. Pratap Chand S/o Sh. Amir Chand, R/o Alipur Road, Delhi is the recorded owner in the revenue records. On perusal of the claim filed by the interested person, it is revealed that no supporting document or evidence was enclosed in support of his claim of Market Value of land @ Rs.1,20,000/- per Sq.Metre. Further, the claimant has claimed for a very high amount of compensation to the extent of Rs.36 Crores only, on account of rendering the land inhabitable without citing any basis as to how he arrived at this exorbitant amount. It was also observed that as no one was residing on the land under reference, the question of claiming any damages on this account consequent to the acquisition proceedings is unfounded. In view of the above facts, the claim is considered on merits and rejected.

MARKET VALUE

The market value of the land under acquisition is to be determined with reference to the date of notification U/s 4 of the Land Acquisition Act, 1894 which is 12.11.99 in this case. For determination of the market value of the land under acquisition, its current land use, potentiality of future land use, proximity of the land to the nearby area and existing facilities have been taken into consideration as required U/s 23 of the Land Acquisition Act. It is noted here that a part of the land at Kh.No.537 min measuring 456

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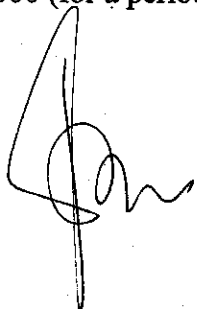
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Sq.Mtr. has already been acquired vide award No.2/99-2000 dated 27.7.99 in which a market value of Rs.6300/- per Sq.Mtr. was awarded. In the Award No.2/99-2000 dated 27.7.99 the schedule of market rates fixed by the Ministry of Urban Affairs, Govt. of India has been taken as the basis for arriving at the average market value at that time. Since this award is being made for land of 832 Sq.Mtr., which is adjacent to the earlier acquired land of 456 Sq.Mtr. and part of the same Khasra No., it is most prudent to consider the prevailing schedule of market rates fixed by the Ministry of Urban Affairs, Govt. of India as the basis for arriving at the market value. The Department of Urban Development (Lands Division), Ministry of Urban Affairs and Employment has considered the fixation of market rates of land taking into consideration various factors for the locality of Alipur Road (presently known as Sham Nath Marg) of Civil Lines Sub Division. The land under acquisition is situated on Alipur Road (also known as Sham Nath Marg). As for a part of land of same Kh.No.537 Min, award has already been made taking the basis of the then existing schedule of market rates; the same basis but the prevailing schedule of rates is being considered while arriving at the market rate of the land under present acquisition. Hence the Notification No.J-22011/4/95-LD dated 16.4.99 of Department of Urban Development, Ministry of Urban Affairs and Employment, Govt. of India notifying the prevailing schedule of market rates for land in Delhi has been referred to. The land is located in the area dotted with residential bungalows. Hence the corresponding market rate of Rs.6930/- per Sq.Mtr. for residential area has been considered as the true market value for arriving at the compensation.

OTHER BENEFITS

(a) Additional Benefits

Besides the market value of the land as fixed, rightful claimants are also entitled to have additional benefits @ 12% per annum on the market value of land U/s 23 Sub Section 1 Clause-A of the Land Acquisition Act 1894, from the date of notification U/s 4 of the Act i.e. 12.11.1999 till the date of possession of the land i.e. 1.9.2000 (for a period of 292 days).



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(b) Solatium

Besides the market value fixed as above, the rightful claimants are also entitled to 30% solatium over and above the compensation arrived on the basis of true market value, Under Section 23 Sub Section 2 of the Land Acquisition Act, 1894

(c) Compensation for Structure

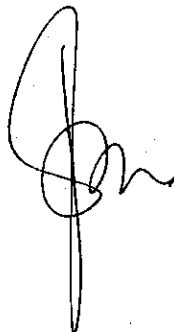
As the land is vacant and there is no construction appurtenant there to no compensation is allowed towards loss of any structure.

(d) Interest

As the possession of the land has been taken over on 1.9.2000 i.e. before the announcement of award the rightful claimants are entitled to interest U/s 34 of the Land Acquisition Act, 1894 from the date of possession i.e. 1.9.2000 till the date of making the award which is 10.5.2001 (for a period of 252 days)

APPORTIONMENT

The compensation amount will be paid to the recorded owners of the land on the date of declaration U/s 6 of the Land Acquisition Act, 1894. However, at the time of making payment, if any dispute arises as to the apportionment, the same shall be referred to the competent Court for adjudication.



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SUMMARY OF AWARD

<u>Items</u>	<u>Amount</u>
1. Compensation for the land measuring 832 Sq.Mtr. @ Rs.6930/- per Sq.Mtr. U/s 23 of the Act	Rs.57,65,760/-
2. Additional Benefits @ 12% per annum for a period of 292 days U/s 23(IA) of the Act	Rs.5,53,513/-
3. Solatium @ 30% U/s 23 (2) of the Act	Rs.17,29,728/-
4. Interest U/s 34 of the Act @ 9% per annum for a period of 252 days	Rs.3,58,267/-
Total	Rs.84,07,268/-

(Rupees Eighty Four Lakhs Seven Thousand Two Hundred Sixty Eight only)

(SUDHIR MAHAJAN)
**LAND ACQUISITION COLLECTOR/
 ADDL. DISTRICT MAGISTRATE
 DISTRICT NORTH
 Land Acquisition Collector
 (NORTH) DELHI**

This award is made U/s 11 of The Land Acquisition Act, 1894 with the approval
 of Secretary, Land & Building, Govt. of N.C.T. of Delhi and announced accordingly.

Award announced in the open court-

at 11 AM on 25/5/2001.

Issue notice u/s 12(2)
 of the act (- LA act.)

Land Acquisition Collector
 (NORTH) DELHI