

AWARD NO. : 17/88-89
 NAME OF VILLAGE : 6, Ansari Road, Darya Ganj.
 NATURE OF ACQUISITION : Permanent
 PURPOSE OF ACQUISITION: Residential use of
 Govt. Servants.

INTRODUCTION:-

These are proceedings for determination of compensation U/s 11 of the LA Act 1894 in respect of the land measuring 5592 Sq. yards situated at 6 Ansari Road notified U/s 4 of the Land Acquisition Act vide notification No. F.7(9)/86L&B(1) dated 6 March 1987 for a public purpose namely "Residential Use of Govt. Servants". In view of the urgency of the Scheme the provisions of Section 17(1) of the L.A. Act were also made applicable to this land. The Delhi Administration issued a declaration U/s 6 of the Land Acquisition Act vide notification No. F.7(9)/86-L&B/(2) dated 10/3/87. In pursuance of the above notification U/s 6 notices U/s 9 and 10 of the L.A. Act were issued to the interested persons to file their claims and the claims filed by the claimants are discussed hereinafter under the heading "Claim".

MEASUREMENT:-

The area to be acquired as given in the declaration U/s 6 is 5592 Sq. yards which is found correct at the time of measurement by the field staff. The details of the land under acquisition are as under:-

Kh. No.	:	Area
6 Ansari Road		5592 Sq. yard

Moreover the claimants have not raised any objection regarding the measurement and classification of the land on the latest entries in the revenue records.

CLAIMS:-

The following persons have filed their claims in pursuance of notes U/s 9 & 10 issued to them:-

S.No.	Name of the Claimant	Kh. No. & Area	Claim	Remarks
1.	Banwari Lal & Sons, Private Ltd. through his director.	6, Ansari Road Darya Ganj 5592 Sq. yards	Rs. 8,38,80,000 for the land Rs. 1,50,00,000/- for the structure.	-

The interested party has based his claim of the value of land and constructed building on the assumption that the building could be made to use for commercial purpose. However it is evident from the record of the said requisitioned building that it has been in use for residential purposes

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for the last so many years, the purpose of acquisition as per the notifications U/s 4 & 6 of the L.A. Act is also for residential use of the Government Servants. The claim is therefore hypothetical and is not acceptable.

MARKET VALUE:

The market value of the property under acquisition could either be assessed on the basis of market values assessed in various awards of areas surrounding Darya Ganj or on the basis of Sale deeds/Mutations of the properties registered in the Office of the Sub-Registrar near the period of notification in the current case. The following awards drawn in the area and market value assessed in each case are given as under:-

S.No.	Award No.	Date of Notification U/s 4	Rate assessed
1.	40/81-82 Darya Ganj	26-10-68	Rs. 182/- per sq.yard
2.	39/81-82 " "	26-10-68	Rs. 182/- " " "
3.	123/86-87 " "	3-1-79	Rs. 400/- " " "

on the other hand particulars of sale deeds/mutations of the properties located at Ansari Road, Darya Ganj as obtained from the Office of the Sub-Registrar are given below:-

S.No.	Registry No. & Date	Area	Amount	Rate per sq.yard
1.	4220 30-9-86	256 sq. yards	2,40,000/-	937=50
2.	4787 10-11-86	1183 " "	2,15,000/-	181=74
3.	4230 30-9-86	633-33 " "	1,10,000/-	173=00
4.	3890 10-9-86	160 " "	2,70,000/-	1687=00

Award No. 123/86-87 is the latest award of which the date of notification U/s 4 is 3/1/79 and the market value assessed by the LAC is Rs.400/- per sq. yard. The property acquired vide this award No. 123/86-87 was situated in Darya Ganj at a distance about 1/2 a kilometer from the main road behind the Golcha Cinema and it had potential for commercial as well as for residential use. The property under present acquisition proceedings is located on the other side of Darya Ganj Main Road at a distance of about half kilometer. A bare perusal of the particulars of sale deeds/mutations mentioned above, reveals that average rate of per sq. yard of the built up properties comes to Rs.744.50. The cost of the structure and the cost of land has not been given separately in the abovesaid sale deeds. Taking into consideration the average rate per sq. yard of the properties involved in lease deeds/mutations in the area and the market value assessed in the award No. 123/86-87 and after giving due consideration to the appreciation in it, I am of the opinion that @ Rs.695/- per sq. yard should be the appropriate, just, fair and reasonable market value in the present acquisition proceedings and I award the same accordingly.

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SUPERSTRUCTURE:

As per the value of the structure is concerned the Surveyor of Works P.W.D. Delhi Administration, New Delhi had assessed the value of structure of the property under acquisition after allowing depreciation at Rs. 1327000/-. Since this valuation has been made by the technical staff of the P.W.D., I accept the same for the purpose of awarding compensation to the interested party.

TREES:

There are following trees in the property:-

<u>S.No.</u>	<u>Name of Tree</u>		<u>Weight</u>	<u>Cost</u>
1.	Poplar Tree	1	1 qt.	Rs. 25/-
2.	Maug Tree	8	-	Rs. 400/-
3.	Kandu	1	1-1/2 qt.	Rs. 38/-
4.	Sahtoot	2	-	Rs. 100/-
5.	Neem	2	10 qt.	Rs. 250/-
6.	Jamun	1	-	Rs. 100/-
7.	Tall Tree	2	4 qt.	Rs. 100/-
				<u>Rs. 1013/-</u>

SOLATIUM:

30% solatium will be paid on the market value assessed.

ADDITIONAL AMOUNT U/s 23(a-1):

The additional amount U/s 23(1-A) of the Land Acquisition Act (Amended) will be paid over and above the total market value @ 12% P.A. w.e.f 6-3-87 (date of notification U/s 4 of the Land Acquisition Act) till the date of award i.e. 5/3/89.

POSSESSION:

Possession of the property has not been taken over due to dispossession stay by the Hon'ble High Court in Case No. C.W. 2385/88 & C.M. No. 5335/88 in Banwari Lal & Sons (P) Ltd. Vs. U.O.I.

APPORTIONMENT:

The compensation will be paid to the rightfull owners on the basis of latest entries in the revenue records. In case of any dispute between the parties which is not settled, that matter will be referred to the Court of A.D.J. Delhi U/s 30-31 of the Land Acquisition Act.

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Summary of the Awards:

1) Market Value of the Land measuring 5592 sq. yards @ Rs.695/- per sq. yds.	3886440=00
2) Valuation of Structure	1327,000=00
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	T otal 52,13,440=00
3) 30% es latium	1564032=00
4) Amount U/s 23(1-A) @ 12% P.a. from 6-3/87=5-3/89 (2 years)	932,745=60
5) Compensation for trees	1013=00

Total -

77,11,230=60

N. Sharma
28.2.89

(N.K. SHARMA)
LAND ACQUISITION COLLECTOR
(PN)

APPROVED

SECRETARY (REVENUE) *28/2/89*

None present. Announced in the open court.
Notice u/s 12(2) be issued to the interested persons.

N. Sharma
6/3/89