

AWARD NO.

21/02.03

DALLUPURA

PERMANENT

Effluent Channel for the
Shahdara Sewage Treatment
Plant.

These are proceedings u/s 11 of the Land Acquisition

Act for determination of compensation in respect of land measur-

ing 22 Bighas 17 Biswas in Village Dallupura, Delhi. The land

is required by the Government at the public expense for a

public purpose namely for "Construction of Effluent Channel

for the Shahdara Sewage Treatment Plant.". The notification

No. F.7(4)/78-L&B, dated 9.4.1979 were issued u/s 4, 6 & 17

respectively by the Delhi Administration as provision of sub-

section 1 of section 17 were applicable. The proceedings u/s

5-A were dispensed with in this case.

Notices u/s 9 & 10 of the L.A. Act were issued

to the persons interested in the land. Claims filed in res-

ponse to the notices will be discussed under the heading

"Claims & Evidence."

MEASUREMENT & CORRECT AREA

The Land Acquisition Field Staff carried out

measurement of the land under acquisition at the spot. The

area was found correct as 22 Bighas 17 Biswas which is the

subject matter of the present acquisition. The details of

the land under acquisition are as under :-

Kh.No.	Kind of soil	
	Area	Big-Bis
141 min	1-04	Abpash
184 min	0-04	-do-
185 min	1-11	-do-
186 min	0-06	-do-

Contd..2...

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187 min	0-08	Abpash
214 min	0-14	-do-
521/215 -	0-11	-do-
262 min	1-12	-do-
263 min	0-14	-do-
264 min	0-09	-do-
265 min	0-08	-do-
266 min	0-08	-do-
480/267 min	0-01	-do-
481/267 min	0-07	-do-
482/267 min	0-08	-do-
483/267 min	0-08	-do-
268 min	0-14	-do-
269 min	0-12	-do-
356 min	1-08	Banjar Qadim
413 min	0-14	Abpash
414 min	0-01	-do-
415 min	0-09	-do-
416 min	0-11	-do-
418/1 min	0-14	-do-
418/2 min	0-05	-do-
419 min	0-11	-do-
421 min	0-09	-do-
423 min	0-10	-do-
424 min	0-09	-do-
432 min	1-03	-do-
433 min	0-03	-do-
441 min	1-01	-do-
442 min	1-00	-do-
445 min	0-06	-do-
501/448/1 min	0-11	-do-
502/448/2 min	1-13	-do-

Total:-

22-17

Contd..3...

CLASSIFICATION OF LAND

<u>Area</u>	<u>Kind of land</u>
22-09	Abpash
1-08	Banjar Q ₂ dim

CLAIMS & EVIDENCE

<u>Sr.No.</u>	<u>Name of the claimant</u>	<u>Kh.No.</u>	<u>Rate claimed</u>
1.	Phula s/o Sulhar, Sant Ram s/o Sulher, Rati Ram s/o Hari Singh, Kanwar, Radhey ss/o Suraj Mal, Rajinder, Birham Singh, Dharam Pal ss/o Sh. Har Karan, Tulla s/o Sh. Harpal, Lachhi, Beg Chand, Om Parkash ss/o Prahlad, Sarupa, Sumarta ss/o Sh. Aji Ram, Sarupa, Sile, Mam Raj, Pem Raj ss/o Jagbir, Dallu, Piari ss/o Piru, Chandu Lal, Narain Singh ss/o Kanwar Singh, Sh. Khem Chand, Balbir, Bir Singh ss/o Sh. Kishan Lal, Karen Singh, Jai Singh, Parsadi, Udai Singh ss/o Sh. Dalpat. Sohan s/o Sh. Prabhu, Balraj, Gajraj, Jagat Ram, Dharmi ss/o Gannu. Smt. Asharfi wd/o Gannu. Sh. Bhule s/o Sh. Birbal, Sh. Harsaran s/o Chunni. Bhagwat, Hari, Baljit, Chanda ss/o Niadar. Lakhpatt s/o Tota, Harnarain, Dhanni ss/o Sh. Ram Saran. Bhikari s/o Sh. Gurji. Sish Ram, Ram Sarup ss/o Sh. Tirkha. Harbans s/o Sh. Jhumman. Jagmal s/o Sh. Kishan Lal. Rupa, Bhule Ram, Hari Chand, Rati Ram ss/o Sh. Tirkha. Daya Chand, Dharam Raj, Prem Raj ss/o Har Saran. Ramla s/o Sh. Gaiinda. Sh. Krishan Chand, Hatam ss/o Sh. Ramji Lal. Smt. Maya Devi d/o Sh. Ramji Lal. Dal Chand s/o Sh. Ram Bal. Sh. Dhan Singh s/o Boshier. Khacheru s/o Mohan. Zile Singh, Hari Chand ss/o Jhuttar, Godhu s/o Amar Singh. Chhattar Singh s/o Sukhan. Charan Singh, Pradhan on behalf of Gaon Sabha, Dallupura, Delhi all resident of Vill. Dallupura, Delhi.	445, 419, 442, 501/448, 502/448, 503/448, 268/521/ 215, 441, 141 min, 55, 186, 306/418, 507/418, 141 min, 413, 356 min, 141 min, 356 min, 483/267, 262, 266, 424, 423 min, 184, 265, 264, 269, 413, 414, 415, 416 min, 214, 423, 432, 433, 482/267, 416, 480/267, 185, 506/418, and 507/418.	Rs. 2,00000/- for the land. Rs. 10,000/- p.b. for severance & damage for the remaining land. Rs. 10,000/- for tube- well . Rs. 10,000/- for Well Rs. 30,000/- as price of Garden.in Kh.No. 424.

EVIDENCE :- No evidence has been produced by the claimants in support of their claims.

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MARKET VALUE

While determining the market value of the land as at the date of preliminary notification various factors such as size and shape of the land, its location and rise and fall in the demand of the land has to be taken into consideration. In addition to this the genuine sale deeds of similar pieces of land and awards announced in respect of land similarly circumstanced also serve as a guideline in assessing the market value of the land. In the present case the claimants have submitted exorbitant claims for compensation without producing any evidence to substantiate the same. The revenue staff has looked for records of sale transactions for similar pieces of land close to the material date. No sale transactions have taken place near to the date of notification i.e. 9.4.1979.

List was therefore prepared in respect of awards drawn in the same Village. The only award announced in this Village is Award No. 2052 of Village Dallupura, dated 30.12.1967. The date of notification in that ~~present~~ award is 13.11.1959 which is quite distant from the date of notification u/s 4 in the present case i.e. 9.4.1979. Keeping in view the vast fluctuations which take place in the prices of land, it is not justified to place reliance on this award or to presume any uniform rate of increase in the prices of land during this long period of 20 years.

Because of non-availability of any material evidence in Village Dallupura efforts were made to search out for some awards in the adjoining Villages of Kondli and Chilla Saroda Bangar which could offer guidance in the determination of market value of the land under consideration. The list of awards in respect of Village Chilla Saroda Bangar is as follows :-

No.	Award No.	Name of Village	Rate per bigha	Notification date u/s 4
1.	52/71-72	Chilla Saroda Bangar	Rs. 1140/-	13.11.1959
2.	52-A/71-72	-do-	Rs. 1140/-	-do-
3.	52-B/71-72	-do-	Rs. 1140/-	-do-
4.	52-C/71-72	-do-	Rs. 1140/-	-do-
5.	52-D/71-72	-do-	Rs. 1140/-	-do-
6.	52-E/71-72	-do-	I - Rs. 1900/- II - Rs. 1300/- IIIA - Rs. 900/- IIIB - Rs. 600/-	-do-
7.	84/72-73	Kondli	Rs. 550/-	13.11.1959
8.	84-A/72-73	-do-	Rs. 550/-	-do-
9.	2/78-79	-do-	A- Rs. 2100/- B- Rs. 1100/- C- Rs. 600/-	8.2.1973
10.	4/79-80	-do-	A- Rs. 1550/- B- Rs. 500/-	19.8.1976.

In respect of awards mentioned from Sr.No. 1 to 5 & 7 & 8 the date of notification is 13.11.1959. Since in view of the arguments given in para No. 2 above it would not be appropriate to presume any uniform rate of increase in the price of land for a period extending over 20 years, These awards cannot be taken as a base for calculation of the market value. Besides this these awards relate to lands which are situated at quite a distance from the land under consideration and therefore these cannot be taken as similarly circumstanced lands.

Although, the award mentioned at Sr.No. 10 relate to a piece of land notified u/s 4 on 19.8.1976, in this case also the land is situated far away from the land ~~is~~ being assessed.

The only evidence left therefore is award No. 2 of 1978-79 in Village Kondli. In this award the date of preliminary notification is 8.2.1973 and the land is quite adjacent

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to the land under consideration. In this award three different rates have been fixed for lands mentioned under categories A, B & C. Whereas lands in category B & C are in form of pits dug up for excavation of soil, the land under category A is same as the land ~~is~~ being assessed. I, therefore, make this award as the base ~~of~~ calculation of market value. In the case of the above mentioned award notification u/s 4 were issued on 8.2.1973 whereas in the present case the date for this is 9.4.1979. There is thus a difference of about 6 years between the notifications for these two lands. The price assessed in respect of land under category A in award No. 2 of the year 1978-79 is Rs. 2100/- per bigha. Therefore, considering 6 % p.a. rise in the prices of land it would be appropriate to assess 36 % increase in the price of land during the intervening 6 years/which after calculation comes to about Rs. 800/- I, & 61 days therefore assess compensation @ Rs. 2900/- per Bigha for this land.

STRUCTURE

Spot inspection has revealed that there is one boundary wall existing on Kh.No. 502/448/2 min but this boundary wall has come up after the date of notification u/s 4 of the L.A. Act. Hence, no compensation in respect of this boundary wall is assessed.

TREES

There are two fruit bearing trees of Mangoes standing on Kh.No. 424. These are of good quality. I assess the cost as under:-

Kh.No.	Kind of tree	No. of trees	Approx. cost	Total
424	Mangoes	2	Rs. 250/- each	Rs. 500/-

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SOLATIUM

15 % solatium will be paid on the market value of the land for compulsory nature of acquisition.

APPORTIONMENT

The payment will be made according to the latest entries in the revenue record. In case of any dispute which is not settled within reasonable time the amount of compensation will be remitted to the Court of A.D.J. u/s 30-31 of the L.A. Act for adjudication.

LAND REVENUE

The land under acquisition is assessed to Rs. 4.48 as land revenue, which will be deducted from the Khalsa Rent Roll of the Village from the date of possession of the land.

The award is summarised as under:-

1. Compensation for land measuring 22 Bigha 17 Biswas @ Rs. 2900/- per Bigha.	Rs. 66265 - 00
2. Cost of trees	Rs. 500 - 00
3. 15 % Solatium	Rs. 9939 - 75
TOTAL:-	Rs. 76,704 - 75

(Rupees Seventy Six Thousand Seven Hundred Four and Seventy Five Paise only)

(S.A. JHA)
LAND ACQUISITION COLLECTOR(MSW)
DELHI.

Announced in the open Court today

*Su/ho
17.6.82*