

AW 4rd no
238/86-87

AWARD NO. : 238/86-87
LOCALITY : TOLSTOY MARG.
NATURE OF ACQUISITION: PERMANENT
PURPOSE OF ACQUISITION: FOR WIDENING OF TOLSTOY MARG &
IMPROVEMENT OF INTER SECTION OF
BARA KHAMBA ROAD & KASTHURBA GANDHI
MARG.

XXXXXXXXXXXX

These are the proceedings for the acquisition of land mg. 875.05 sq. metres. bearing property nos. 14, 15, 13 Bara Khamba Road & 12, 13, 14 15 Kasturba Gandhi Marg & Imperial Hotel, Janapath Marg. The land was notified u/s 4 of the Land Acquisition Act vide notification No. F.7(19)/82-L&B(4) dt. 22.9.82 for a public purpose, namely, the widening of Road. The substance of the said notification was given due publicity and objections were invited from the interested persons. The objections were duly heard and a report u/s 5-A of the Land Acquisition Act was sent along with the objections in original to the L&B Deptt. Delhi Admn. After that final declaration u/s 6 of the L.A. Act was issued to all the interested persons. The claims filed by them are discussed herewith under the heading 'Claims & Evidence'.

MEASUREMENT & TRUE AREA :

The land Acquisition field staff ^{carried} ~~carried~~ out the necessary measurement of the land at the site. The total area mg. 875.05 sq. metres. was found to be correct and true area. The details of the area under present acquisition are given below:-

No. Name of the Locality	Total Area	Field Nos./Boundaries
		sq. metres.
✓ 14, Bara Khamba Road	875.05	69.53 sq. mtrs.
✓ 15, -do-		93-75 -do-
14, Kasturba Gandhi Marg.		67.41 -do-
✓ 15, Kasturba Gandhi Marg.		61.04 -do-
✓ 13, Bara Khamba Road		221.81 -do-
12, Kasturba Gandhi Marg.		159.60 -do-
13, Kasturba Gandhi Marg.		133.88 -do-
Imperial Hotel, Janapath.		68.03 -do-
	875.05	

CLAIMS AND EVIDENCE:

The following claims were filed.

contd.....2/-

: 2 :

S.No.	NAME OF CLAIMANT	KHASRA NO.	AREA	COMPENSATION CLAIMED
1.	M/s. New Delhi Hotels Ltd. Hotel Ambassador, Sujan Singh Park, New Delhi through Pawan Kumar s/o Ram Parshad.	Kothi No. 15 Kasturba Gandhi Marg		Claimed Rs15,000/- per sq. mtrs. for land & 15% solatium.
2.	Sh. Dev. Raj Vedera	15, Bara Khamba Rd.	93.755 sq. mtrs.	Claimed Rs20,000/- per sq. mtr. for land 50000/- for construction of foundation of the bldg. & 15% solatium.

MARKET VALUE:-

The present land is required from different commercial and residential plots for the widening of Tolstoy Marg. The market value is to be assessed as prevailing on the date of notification i.e. 22.9.82.

The claimant have claimed the rate of from 15000/- Per sq. meter to Rs. 20000/- per sq. meter for their land but have produced no evidence in support of their claims. The claims are obviously exorbitant.

As evidence the rates prescribed by Land & Development office Government of India and one sale deed of the adjacent plot are available.

The Land & Development office has prescribed the rates of Rs. 2000/- and Rs. 10500/- for residential and commercial purposes respectively for the plot being acquired as on 22.9.82 i.e. the date of notification u/s. 4. Generally the rates prescribed by Land & Development office are for properly developed plots, which apply in the present case also.

The particulars of sale deed available are as follows:

Locality	Sale deed No. & date	Total value	Area	Amount
Plot No. 76 Block 205-C, 16 Babar Road, Bengali Colony	3550 dt. 9.6.82	Rs. 9,00,000/-	261.87 sq. mtrs.	Rs. 3436/-

The above sale deed includes the value of structures on the plot. Excluded the value of structures the value of land should not be more than 2000/- per sq. meters. The land under acquisition is located on the Tolstoy marg, about 300-400 yds. from the centre of cannaught place and has great potential for residential as well as commercial uses. It is better located there 16, Todarmal Road.

While considering the evidence available, rate prescribed by the Land & Development office seems to be more authentic and reliable especially in case of the presently locality of land being acquired. Taking the facts discussed above into consideration the market value of land under acquisition should be Rs. 2000/- per sq. meter and I assess the same.

[Signature]
19/9

: 3 :

SOLATIUM :-

30% solatium will be paid on the market value assessed of the land under acquisition.

ADDITIONAL AMOUNT U/s.23(1-A) :-

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. 22.9.82 (date of notification u/s.4 of the Land Acquisition Act) till the date of Award i.e. 21.9.86.

APPORTIONMENT:-

Since the claimants of the present are lessees of Land & Development office, Government of India, the amount of compensation assessed will be sent to the Court of District Judge, Delhi, u/s. 30-31 of the Land Acquisition Act for its apportionment in case there arises any dispute between lessor and lessees.

SUMMARY OF THE AWARD:-

1. Market value of the land/875.05 sq.mtrs. @ 2000/-per sq.mtrs.	1750100.00
2. 30% Solatium	525030.00
3. Amount u/s-23(1-A)@ 12% p.a. from 22.9.82 to 21.9.86(4 Yrs.)	840048.00
Total :	3115178.00

(Rupees thirty one Lac fifteen thousand one hundred seventy eight only.)

V. Singh

(VIJAY SINGH)
LAND ACQUISITION COLLECTOR (DS)
DELHI.

July 16/9

APPROVED
Shal

SECRETARY
7/10/82

Announced in the open Court.
Notices U/s 12(2) be issued.
Sh. Ravi Raj present.

V. Singh
29/9/82