

38781-82

NO.-

OF ACQUISITION:-

Permanent.

OF VILLAGE/LOCALITY:-

14/12 Bara Khama Road, N. Delhi.

OF ACQUISITION:-

Construction of School Lane Over Bridge connecting Bara Khama Road with Ranjit Singh Road, N. Delhi.

These proceedings relate to acquisition of land u/s 11 of L.A. Act. Premises known as No. 14 Bara Khama Road, N. Delhi was notified u/s 4 of the L.A. Act vide notification No. F.7(23)/77-I&B dated 13.3.78 for public purpose namely for construction of School Lane Over Bridge connecting Bara Khama Road with Ranjit Singh Road, N. Delhi. After considering the report u/s 5-A, Delhi Adm. issued a declaration u/s 6 of the L.A. Act vide notification No. F.7(23)/77-I&B dated 28.3.79 for the acquisition of open portion of 14 Bara Khama Road, New Delhi comprising ~~the area~~ an area measuring 1070.95 Sq. Yards. The acquisition proceedings of the aforesaid property is now finalised on the direction of the I&B Department, letter No. F.7(23)/77-I&B dated 32071 dated 15.9.81. Notices under section 9 & 10 of the L.A. Act were issued to the person interested in pursuance of which Sh. Dan Singh Bawa & others filed claim for compensation.

AREA.

The land was measured by the L.A. field staff & the total area to be acquired at the spot is 1070.95 Sq. Yards.

COMPENSATION CLAIMS:-

Sh. Prem Shankar, Advocate for Sh. Dan Singh Bawa, Sh. Anand Singh Bawa, Sh. Anoop Singh Bawa & Smt. Savitri Bawa has claimed Rs. 4000/- per sq. yards for the land, solatium & Rs. 2,00,000/- on account of building, boundary wall, gate etc.

DOCUMENTARY EVIDENCE.

In support of their claim, the claimants have filed a schedule of market rate of land in different area of Delhi/New Delhi dated 21.6.1979 issued from Ministry of Works & Housing, Nirmal Bhawan, New Delhi.

MARKET VALUE.

Market value of the land under acquisition is to be determined having in view of the provision u/s 23(i)(ii) of the L.A. Act, 1894. According

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to it, the fair and reasonable value of the land is assessed on the basis of the ~~xx~~ prevailing market rate of the land, at the time of notification u/s 4 of the L.A. Act. In the instant case, the crucial date is 13.3.78. To arrive at the correct and fair market value of the land, the help of the location of the site, quality and other uses of the land along with its future potentiality, availability of civic amenities, Eg. conveyance pucca road, drinking water, electricity medical and education, business facilities ought to be considered.

The help of sale transaction within or in the vicinity of the land or any Award announced in the near past from the date of notification u/s 4 also could be taken in assessing the correct and reasonable market value of the land. But incidentally no authentic sale transaction or award ^{of homogeneous nature} took place on or before the date of notification u/s 4 of L.A. Act. ²

The office of the Land and Development Officer, Nirmal Bhawan, New Delhi vide letter No. L1/9/205/8/81/777 dated 8.10.81 has informed that 14, Bara Khamba Road was held on lease by Ex-lessee Bawa Dan Singh for residential purpose but Bawa Dan Singh, the ex-lessee without getting prior ~~permission~~ permission of Land & Development Officer, New Delhi constructed the Multi Story Commercial Building on the plot. The premises was re-entered by the lessee on 24.11.72. The ex-lessee filed a writ petition in the High Court of Delhi and obtained stay orders. The case is still pending in the Hon'ble High Court of Delhi. The premises therefore vest with the President of India. In other words, the land use of 14, Bara Khamba Road is still residential one.

As discussed earlier, there is no suitable sale transaction taken place in the vicinity of the land under reference. The land under reference is situated on the Bara Khamba Road and is within close vicinity of Connaught Place. The several Commercial Complex have now sprung up in its close surroundings. The Office of the Land Development Officer, Nirmal Bhawan, New Delhi has informed to this office vide letter No. L1/9/205-A(18769) dated 8.5.69 that the market value of the land of property No. 96, Babar Road, New Delhi notified u/s 4 & 6 for the construction of over head bridge was assessed ^{at Rs} 150/- per Sq. Yards for the purpose of chaining un-earned increase by the Govt. in the value of the land. The date of notification ~~was~~ u/s 4 regarding property No. 96, Babar Road was 7.8.66. Property No. 96, Babar Road, New Delhi is very close to property No. 14, Bara Khamba Road,

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under reference. There is a time gap of 12 years in between the notification under Section 4 of the L.A. Act in two cases i.e. 96, Babar Road was notified as on 7.8.66 and 14, Bara Khamba Road as on 13.3.78. In the ~~xx~~ absence of suitable sale transaction, there is no other alternative ~~xxxx~~ except to depend or seek the help of allowing 6% appreciation on the market value of the land intimated by the L. & D.O. pertaining to 96, Babar Road. Likewise 6% p.a. is to be added in the market value of Rs. 150/- per Sq. Yards as on 1966 which comes to Rs. 258/- per Sq. Yards, say Rs. 260/- per Sq. Yards.

Before assessing the market value of the land under reference as on 13.3.1978, it may be mentioned here that the Office of L&D.O. Nirmal Bhawan, New Delhi has informed that the Govt. will not recover the portion of unearned increase in the value of the land under lease or withhold a portion of compensation payable to lessee in case of acquisition of land ~~xx~~ under the L.A. Act as intimated by vide letter No. L.IV/9/205-A/8/81 dated 23.6.81.

From the above discussion and time gap factor in between two notification u/s 4 dated 7.8.66 and 13.3.78 of 96, Babar Road & under reference, I am of the opinion that Rs. 260/- per Sq. Yards is quite reasonable & fair market value of the land under acquisition & Award accordingly.

STRUCTURE ETC.

As discussed earlier, the land under acquisition is open portion of 14, Bara Khamba Road, N. Delhi. There is boundary wall to the length of 334 ^{9 feet} ~~feet~~ ^{iron gate} ~~gate~~ & three temporary stores & flooring of the land. I allow Rs. 6000/- for the same, or the rightful claimant will be at liberty to remove it. In that case, only Rs. 500/- will be allowed as removal charges.

SOLATIMUM.

15% as solatium will be paid over & above the market value so assessed.

APPROPRIATION:-

The title of Bawa Dan Singh & others is disputed as intimated vide letter No. L 1/9(205)/8/81/777 dated 5.10.81 and compensation will be kept disputed and will be referred to ADJ u/s 30-31 of the L.A. Act for adjudication.

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The aforesaid land vest absolutely free from all encumbrance with the
t. from the date of taking over the possession.

The Summary of the Award is as under:-

The compensation of the land measuring 1070.95
Sq.Yards @ Rs. 260/- per Sq.Yards.

Rs. 2,78,447.00

~~The~~ Cost of Structure

Rs. 6,000.00

Solatium

Rs. 42,667.05

G.TOTAL

3,27,114.05

(Rs. Three Lakhs Twenty Seven Thousand One Hundred Fourteen & Paise
Five Only).

Shiv Raj
(SHIV RAJ)
LAND ACQUISITION COLLECTOR(DS)
DELHI.

*Award announced in the
open court, No one for the
interested person is present
despite of summons effected
on them. Notices u/s 12(2) of the
L.A Act are issued.*

8.10.11 M.