

Award No. 46/78-79

VILLAGE: GHAROLI
NATURE OF ACQUISITION: PERMANENT
PURPOSE OF ACQUISITION: PLANNED DEVELOPMENT
OF DELHI.

These are proceedings u/s 11 Land Acquisition Act 1894 for determination of compensation in respect of land measuring 138 bighas 15 biswas ^{situated} in village Gharoli. The land forms part of general notification issued by Delhi Administration u/s 4 L.A. Act vide number F.15(III)/59-LSG dt. 13.11.1959 for 54,070 acres scheme. The land is required by the Government at the public expense for a public purpose, namely, for Planned Development of Delhi. A declaration u/s 6 L.A. Act was issued by Delhi Administration vide No. F.4(19)/65-L&H dt. 17.5.1966 for area 463 bighas 06 biswas.

Notices u/s 9 & 10 L.A. Act were issued to the persons interested. Claims filed will be discussed under an appropriate heading.

MEASUREMENT & TRUE AREA:

As already said the present proceedings are confined to an area 138 bighas 15 biswas land out of the area notified u/s 6 L.A. Act. The area under acquisition was measured by the Field Staff at the spot, which was found correct.

The remaining area will be acquired through a supplementary Award.

The details of the land under acquisition are given below:-

Kh. No.	Area.	Kind of soil.
39/1	1-10	Rosli.
969/52/1	0-15	-do-
970/52 to 55/1	3-18	-do-
65/1	0-06	-do-
66/1	0-08	-do-
69/1	0-17	-do-
70/1	0-18	-do-
71	2-11	-do-
72	4-13	-do-
73/1	3-09	-do-
74/1	3-07	-do-
75	3-12	-do-
76	5-05	Rosli Rihalla
801/77/1	17-02	Banjar Qadeem.
802/77	20-19	Rosli.
803/77	11-19	Rosli (9-10) B. Qadeem
804/77	9-05	Rosli (6-00) -do (2-0)
77	1-13	Rosli
78	4-13	-do-
79	7-13	-do-
80	3-03	-do-
81	4-01	-do-
82	27-03	-do-
83		
	138-15	

Total

Rosli
Rosli Rihalla
Banjar Qadeem

110-14
5-05
22-16
138-15

OWNERSHIP & OCCUPANCY:-

S.No.	Name of owner	Occupant if any	Kh.No.	Area	Kind of soil.
1.	Sh. Ram Chander s/o Nathu, Sohan, Shibbu Mal 1/2 share Gordhan ss/o Harjas Rai s/o Hari Singh in Sohan Mal 1/2 share equal share on Kh.No. 70 & 75 Ballu s/o Moti non occupancy on Kh.No. 78 (1-00).		75 70/1 78	3-12 0-18 1-13	Rosli. -do- -do-
2.	Sh. Chatter, Self Khacheru ss/o Lal Singh in equal share		803/77/2	9-09	Rosli.
3.	Sh. Ballu s/o Moti Self Mst. Sunhero wd/o Attar Singh in equal share 1/2 share Raghbir s/o Daulli 1/8 share, Om Parkash, Parasram ss/o Charnu in equal share 1/8 share, Karan Singh, Sarupa ss/o Unnavi in equal share 1/4 share.		81 82	3-03 4-01	Rosli -do-
4.	Ballu s/o Moti Self Mst. Sunhero Wd/o Attar Singh in equal share		80min	3-16	Rosli.
5.	Sh. Kheva, Lakhi Ram, Hari Chand ss/o Self Rumal in equal share		83	27-03	Rosli.
6.	Khacheru s/o Ram Self Saran		65/1 66/1	0-06 0-03	Rosli -do-
7.	Mst. Pyari Wd/o Self Bhagirathi, Parsandi, Ds/o, Shadi Ram, Misri Lal ss/o Yad Ram 1/2 share Mst. Rewti mother of Pirbhu 1/2 share.		29/1 804/77/2 72	1-10 6-00 4-13	Rosli Rosli Rosli.
8.	Hari Singh s/o Dule Self Ram 2 share, Chatru, Dalu, Pema ss/o Ram Saran in equal share 1 share.		39/1 804/77/2	1-10 6-00	Rosli Rosli.
9.	Sohan Lal s/o Shibban Self		76	5-05	Rosli Rihali
10.	Pahlad s/o Kishnu Self		71	2-11	Rosli.
11.	Sohan Lal s/o Shibban.	Self.	73/1	3-09	-do-
12.	Ho Ram, Bhawani Shanker alias Bhanna ss/o Nanua in equal share.	Self.	74/1	3-07	-do-

: 3 :

13.	Ballu s/o Moti	Self	79	4-13 3-18	Rosli Rosli
14.	Khewa, Lakhi Ram, Hari Chand s/o Rumal in equal share.	Self	970/52 to 969/52/1 801/77/1	55/1 0-15 17-02	-do- B. Qadeem
15.	Pahlad s/o Kishnu	Self	69/1	0-17	Rosli
16.	Karan Singh, Sarupa s/o Unnavi	Self	80 min	3-17	-do-
17.	Gaon Sabha	Ballu s/o Moti one share Mst. Sunehro wd/o Attar Singh Ragbir s/o Dulli.	20-19 802/77		Rosli
					B. Qadim 2-09 Chatter etc. 803/77/1 2-10 Nathu etc. 804/77/1 3-05 B. Qadeem Hari Singh

CLAIMS & EVIDENCE:

S.No.	Name of Claimant.	Kh. No.	Area	Amount	Claimed	Eved nce.
1.	Nathu, Sohan, Boru s/o Hari Singh through Sohan	75 min 70 39 min. 807/77/1 24 min 46 min 60 min	3-12 1-01 8-17 6-00 1-18 1-19 3-09	Rs.15/-per sq. yard.		Nil

NOTE: Kh. No. 807/77/1, 24min, 46min, 60min do not form part of present acquisition.

2.	Ballu s/o Moti	80min 79, 281, 278 224, 225, 222 223, 800min 282	-	Rs.10/12 per Sq.Yd.		Nil
----	----------------	--	---	------------------------	--	-----

Note: Only Kh. No. 80 min, 79 form part of present acquisition.

3.	Mst Sunehro Wd/o Attar Singh	81 min 82, 24 min, 25 min, 19	-	Rs. 10/12 per Sq.Yd.		Nil
----	---------------------------------	--	---	-------------------------	--	-----

Note:- Only Kh. No. 81min, 82 form part of present acquisition.

4.	Ragbir s/o Dulle, Om Parksh Paras Ram s/o Charnu through Ragbir	81 min 82 min 24 min 25 min 41 min 22 min	3-03 4-01 0-06 0-09 6-06. 6-03	Not less than Rs. 10/- per squ. yd.		Nil
----	---	--	---	--	--	-----

Note:- Only Kh. No. 81 min, 82 min form part of present acquisition.

....2/-

an Singh, Sarupa	81 min	-	Rs.10/12 per	Nil
Unnac Singh	30 min		Sq. yd.	
	24 min, 25 min,			
	61min, 62 min,			
	63min, 64min, 21min,			
	23 min, 798/40			

Note:- Only Kh. No. 81 min, 30 min form part of present acquisition.

Bawa s/o Rimal,	970/52 to 55 min	-	Rs.10/12 per sq. yd.	Nil
Lakhi Ram, Hari Chand	969/52 min			
o Rimal	790/7min, 793/9 min			
	86/77 min, 794/27 min			
	33 min, 18 min, 83min, 26			
	min, 43 min, 31 min,			

Note:- Only Kh. No. 270/52 to 55 min, 969/52, 83 min fall under present acquisition.

Chattar, Dattu, Premsukh	39 min	8-17	Rs. 15/-persq. yd	Nil
s/o Ram Saran through	804/77/1	6-00		
Chattar	47	1-00		
	24 min	0-18		

Note:- Only Kh. Nos 39min, 804/77/1 fall under present acquisition.

Sohan Lal alias	69	-	Rs. 15/- per	Nil
Sham Lal s/o	58	-	Sq. Yd.	
Shibban Lal				

Note:- Only Kh. No. 69 fall under present acquisition.

Sohan Lal alias	76	5-05	Rs.15/- per	Nil
Shiam Lal s/o	73	4-07	Sq. yd.	
Shibban Lal	58	4-01		
	59	3-00		

Note:- Only Kh. Nos. 76 & 73 fall under present acquisition.

Ho Ram, Bhawani	74 min	4-07	Rs. 15/- per	Nil
s/o Nanua	48 min	4-01	Sq. yd.	
through	49 min	5-02		
Bhawani	57	3-00		

Note:- Only Kh. No. 74 min form part of prsent acquisition.

11. Dr Balwant Singh	803/77	-	-	Copy of Sale Deed for ownership
s/o Ran Singh				
12. -do-	80, 81, 82, 83,			Nil
	79, 73, 77, 76,	28-00	-	
	75, 52, 51, 40,			
	42			

Note:- Kh. No. 51, 40, 42, 52 do not form part of present acquisition.

13. Milky Ram s/o	803/77	-	-	Copy of sale deed for ownership
Lakha Singh through				
R.L. Chowdary.				

.....5/-

Bdhu

MARKET VALUE

The date of preliminary notification in the present case is 13.11.59 and as such the market value is to be determined as prevailing during that period.

The claimants have demanded high rate of compensation, without adducing any evidence to substantiate their claims.

Before we embark upon the sale transactions finding place in the revenue record of this village, it would be appropriate to look into the Awards relating to acquisition of land in the village, but it is found that no land has so far been acquired in the village vicinity.

The field staff consulted the record of rights and the following sale transactions were found recorded in the revenue record of this village during the period 1956 to 1959.

S.No.	Mutation No.	Date of sale	Kh. Area No.	Consideration	Average per bigha
1.	312	7/5/56	803/77	11-09 Rs.777/-	Rs.65-02
	318	17/1/59	775-507	21-15 20000/-	20000/- 111-84
			512	7-10	
			1014/515-516	6-12	
			427	11-05	
			507	22-16	
			807/103	27-02	
			90	8-05	
			767/227	5-08	
				110-13	
			96	26-14	
			97	4-4	
				30-18	
			102	22-10	
			186/103	15-02	
				37-12	
				Grand Total:	179-03

The land involved in sale transaction mentioned at S.No.2 is far away from the land under acquisition and is situated beyond Hindon Canal, while the sale mentioned at S.No.1 was struck three years prior to the date of notification under section 4 i.e. 13.11.59 as such the above sale transactions could not offer any guidance here.

From the above, it is clear that there is no material in the village which could offer guidance in the determination of the market value of land in question.

It has been held that the price paid within a reasonable time for the land adjacent to the land acquired and possessing

B.S.K.

similar advantages is a correct method of valuation or in other words bonafide transactions of purchase of land adjacent to the land acquired and possessing similar advantages provide an alternative means of estimating the market value. Adjoined to this village, is village Gazipur from where relevant material can be referred to in determination of the market value of the land under acquisition.

Out of the various sale transactions which took place in the year 1959 in village Gazipur, one relates to Kh. No. 220 of which 9 big. 18 bis of land was sold for a sum of Rs. 5,000/- vide sale deed registered on 25/5/59. The average of the sale works out of Rs. 505/- per bigha. It was on this sale transaction that the Award No. 1888 was based and a rate of Rs. 700/- p.b. was awarded as on 13/11/59. The land involved in this award is near to the land under acquisition as compared to other Awards as relevant to the preliminary date i.e. 13/11/59, which are 1678, 25/70-71, 27/70-71 and 27 A 70-71.

As such Award No. 1888 is the proper guide in the present case for determination of a fair market value. No reference petition u/s 18 L.A. Act is reported to have been filed against this award. The land under present acquisition is Bosli and Banjar Qadeem, whereas the land in Award No. 1888 was chahi and Bhur=Aval, which shows that the land acquired under the Award is superior to the land now under acquisition.

In view of the above discussion, and ^{Site} such inspection made by me I consider that a rate of Rs. 650/- per bigha would be fair and reasonable market value of the land in question excepting Band bearing Kh. No. 39/1(1big=10Bis), 71(2Bigha 11 Biswas). 75(3 bighas 12 biswas) 804/77(9big-5bis), 80(3-0)

1(3 Bighas 7 Biswas) Total area measuring 23 bighas 5 biswas which is not levelled and there are pits upto 3/4 feet. Deep prior to this area a rate of Rs.500/- p. b. is awarded.

WELLS, STRUCTURES: There are no wells, trees, or structures on the land under acquisition.

RELATUM: 15% solatium will be paid over and above the market value of the land towards compulsory nature of acquisition.

INTEREST: The case falls within the purview of the Land Acquisition (Amendment and Validation) Act, 1967. Therefore, interest will be payable only on the market value of the land from the period on expiry of three years of the date of notification u/s 4 of the Act, which in the present case works out to 13.11.62 to the date of announcement of Award which is tentatively fixed as 27.2.79.

POSSESSION: Possession of the land has not so far been taken

NO REVENUE: The land under acquisition is assessed to Rs.31.80/- which will be deducted from the Khalsa Rent Roll of the Village from the date of taking over possession.

COMPENSATION: Compensation will be paid according to the best entries in the Revenue Record. In case of dispute, the matter will be referred to the Court u/s 30 & 31 L.A. Act, 1894.

Compensation for land measuring 115 Bigha 10 Biswas @ Rs.650/- per bigha.	Rs.75075-00
Compensation for land measuring 23 Bighas 5 Biswas @ Rs.500/- per bigha.	Rs.11625-00
Add 15% Solatium on the above	Rs.13005-00
Interest u/s 4(3) of the Land Acquisition (Amendment & Validation) Act, 1967 only on the market value that is Rs.86700/- w.e.f. 13.11.62 to 27.2.79 (16 years 107 days i.e. 5947 days)	Rs.84756-97

Grand Total: Rs.184461-97

(Rupees One Lac eight four thousand four hundred sixty one & paise ninety seven only)

Announced & filed

[Signature]

28/4/79

(B. S. SHIND)
LAND ACQUISITION COLLECTOR (NEW)
DIHAT

28/4/79

Also see my remarks to one left