AWARD NO. 46-A/78-79/supply

NAME OF THE VILLAGE	:	GHAROLI
NATURE OF ACQUISITION	:	PERMANENT
PURPOSE OF ACQUISITION	:	PLAN DEVELOPMENT OF DELHI.

INTRODUCTION

These are proceedings under section 11 of the L.A. Act, 1894 for determination of compensation in respect of land measuring 324 bighas 11 biswas situated in Village Gharoli.

The land forms part of general notification No. F.15(iii)/59-LSG dated 13.11.1959 u/s 4 of L.A. Act for an area 34070 acres scheme and renotified u/s 6 vide notification No. F.4(39)/65-L&H dated 17.5.1966 for an area of 463 bighas 6 biswas. Due publicity was given to the contents of the notification. The land is required by the government at the public expense for a public purpose namely for the Plan Development of Delhi. Out of the land notified u/s 6 i.e. 463 bighas and 6 biswas, land measuring 138 bighas 15 biswas had already been acquired vide Award No. 46/1978-79. Now the preset proceedings are confined to the remaining area measuring 324 bighas 11 biswas.

Notices were issued u/ss 9 & 10 of the L.A. Act to the persons concerned in the land for filing their claims. Claims so received will be discussed under a seperate heading ''Claims & Evidence.'

MEASUREMENT

Asm per the requirement of section 8 of the L.A. Act the area was found correct when measured by the field staff at the spot. The details of land under acquisition are as under :-

Kh.No.	Area Big-Bis	Kind of soil
1	1-1	G.M.Rasta
787/2	2-1	-do-

Contd..2...

788/2	0-19	G.M.Rasta
3	7-4	Gair Abpash
4	6-3	-do-
5	4-16	-do-
6	3-6	-do-
789/7	2-18	-do-
	28-8	
790/7	2-13	-do-
8	3-18	-do-
791/9	0-11	-do-
792/9	2-1	-do-
793/9	1-19	-do-
10	8-17	-do-
967/11	6-10	-do-
968/11	6-10	-do-
12	13-13	-do-
13	11-8	-do-
14	5-17	-do-
15	6-0	-do-
16	1-1	Banjar Qadim
17	5-14	Gair Abpash
18	4-1	-do-
19	4-4	-do-
20	1-13	-do-
21	2-8	-do-
22	6-3	-do-
23	3-15	-do-
24	0-12	-do-
25	0-18	-do-
26	3-6	-do-
794/27	1-5	-do-
795/27	4-12	-do-

Contd..3...

28	3-3	Gair Abpash
29	4-13	-do-
30	4-16	-do-
31	3-3	-do-
32	1-16	-do-
33	4-10	-do-
34	3-12	-do-
35	4-10	-do-
797/36	0-14	-do-
796/36	2-15	-do-
37	3-9	-do-
38	5-14	-do-
39/2	7-7	-do-
798/40	6-6	-do-
799/40	2-2	-do-
800/40	5-11	-do-
41	6-6	-do-
42	5-11	-do-
43	19-10	-do-
44	0-18	-do-
45	2-11	Banjar Qadim
46	1-19	Gair Abpash
47	6-9	-do-
48	4-1	-do-
49	5-2	-do-
50	9-12	-do-
51	0-3	G.M.Chah
969/52/2	7-7	Gair Abpash
970/52 to 55 2	4-17	-do-
56	5-14	-do-
57	3-0	-do-
58	4-1	-do-

Contd...

59	3-0	Gair Abpash
60	3-9	-do-
61	5-5	-do-
62	5-2	-do-
63	0-12	-do-
64	2-14	-do-
65/2	0-18	-do-
66/2	3-0	-do-
67	3-6	-do-
68	4-1	-do-
69/2	2-3	-do-
70/2	0-3	-do-
73/2	0-18	-do-
74/2	1-0	-do-
801/77/2	0-1	-do-
G.Total:-	324-11	

G.Abpash	G.M.Rasta	Banjar Qadim	G.M.Chah
316-15	4-1	3-12	0-3

OWNERSHIP & OCCUPANCY

The details of ownership and occupancy are given in the attached statement 'B' and forms part of this award.

CLAIMS & EVIDENCE

S.No.	Name of claimant	Kh.No.	Area	Rate claimed	Evidence
1.	Shadi Ram, Misri Lal ss/o Smt.Pyari, Bhagirathi wd/o Lad Ram	3 789/7 30 45 67 68	7-4 2-18 4-16 2-11 3-6 4-1 24-16	Rs.100/- p.sq.yd for land	Nil
2.	Khacheru s/o Ram Saran	65/2 66/2	1-4 3-3 4-7	-do-	-do-

Contd...5...

3. Raghubir s/o Dulli Om Parkash, Paras Ram ss/o Chartu	22 24 min 25 min 706/41 min	6-3 0-6 0-9 6-12	Rs. 10,000/- per bigha for land	Nil
4. Karan Singh alias Karma, Sarupa ss/o Unab Singh	23 min 21 22 24 min 25 min	1-18 2-08 6-03 0-06 0-09	-do-	Nil
5. Mst. Bharto wd/o Nihal	13 37 28	11-8 3-9 3-3	-do-	Nil
6. Khacheru s/o Roop Chand	799/40 14 20	2-2 5-17 1-13	-do -	-do-
7. Khacheru s/o Lal Singh, Dharampal, Ram Chander, Zile Singh ss/o Chhittar	10 34 35 797/36 795/27	8-17 3-12 4-10 0-14 4-12	-do-	-do-
8. Pillu Ram, Cheta, Lekh Ram ss/o Bhikkan	42 967/11 min	5-11 6-10	-do-	-do-
9. Nathu Singh, Nathu Ram, alias Battu, Ram Kishan, Hari Kishan ss/o Raghubir s/o Dal Singh	5 (4-16)		Rs. 10,000/- per bigha for land	-do-
10. Phire Ram, Chokha Ram, ss/o Jai Singh	792/9	2-1	Rs. 100/-p. sq. yd for land. Rs. 20,000/- as severance charges of their land.	-do-
11. Smt. Sunero w/o Attar Singh	19 23 800/40 min 24 min 25 22	4-4 1-17 1/2 share 5-11 0-6 0-9 6-3	Rs. 100/-p. sq. yd for land	-do-
12. Bhawani Shankar s/o Nanuwa	57 48 49 74/2	3-0 4-1 5-2 4-7	-do-	-do-
		16-10 1/2 share		

Contd... 6.....

Sohan Lal s/o Shibhan	58 69/2 73/2	4-1 2-3 0-18 7-2	Rs. 100/- p. sq. yd for land	Nil
Bhagat Ram, Paras Ram, Mauji Ram, Ram Bhaj ss/o Ho Ram	54 48 49 74/2	3-0 4-1 5-2 4-7 16-10	-do- 1/2 share	-do-
Shankar, Santu ss/o Ballu	23 800/40 min 24 min 25 22	1-17 5-11 0-6 0-9 6-3	1/2 share -do-	-do-
Kheva, Lakhi Ram, Hari Chand ss/o Rumal	4 15 43 240/7 13 26 793/9 801/77/2 31 569/52/2 970/52 to 55	6-03 6-00 10-10 2-13 4-01 3-6 1-19 0-01 3-3 7-7 4-17	-do-	-do-
17. Dalip s/o Bhajna	794/27 33	1-5 4-10	Rs. 100/-p. sq. yd for land	-do-
18. Smt. Lakmiri wd/o Chhittar	10 34 35 797/36 795/27	8-17 3-12 4-10 0-14 4-12	1/4 share -do-	-do-
19. Mansa s/o Paltu	29 796/36	4-13 2-15	Rs. 50,000/- p. bigha for land. Rs. 50,000/- due to its severance. Solatium @ 15 % and Instt. @ 6 % from the date of possession till payment and also Instt. 6 % u/s 4(3)	-do-
20. Godhu, Chhittar, Smt. Sheela, Sujan	44 47 min 46 39/2	0-18 3-5 1-19 7-2	Rs. 50,000/- per bigha for land. Rs. 50,000/- for severance charges. 6 % Instt. Solatium 15 %	-do-

Contd..

21. Smt. Laxmi Devi w/o Khazan	61 62 63	5-5 5-2 0-12	Rs.50,000/-p.b. for land Rs.50,000/- for severance charges 15 % solatium and Instt. @ 6 % u/s 28+u/s 4(3)	Nil
22. Rajbir, Balbir, Jaibir ss/o Chanda	796/36	2-15	-do-	-do-
23. Jagvir Singh Omvir Singh Sukhbir Singh ss/o Tofa	968/11 17	6-10 5-14	Rs.60/- p. sqyd for land. 15 % solatium, Instt @ 6 % u/s 4(3) and u/s 28	-do-
24. Gaon Sabha Gharoli th. its Pradhan Shri Ombir Singh	51 787/2 788/2 16 1 3 4 5	0-3 2-1 0-19 1-1 1-1 7-4 6-3 -16	Rs. 60/- p. sqyds for land 15 % solatium & 6 % Instt.	-do-
24. contd. Gaon Sabha	6 789/7 790/7 8 791/9 792/9 793/9 10 967/11 968/11 12 13 14 15 17 18 19 20 21 22 23 min 24 min 25 min 26 794/27 795/27 28 29 30 31 32 33 34 35 797/36	3-6 2-18 2-13 3-18 0-11 2-1 1-19 8-17 6-10 6-10 13-13 11-8 5-17 6-0 5-14 4-1 4-4 1-13 2-8 6-3 3-15 0-12 0-18 3-6 1-5 4-12 3-3 4-13 4-16 3-3 1-16 4-10 3-12 4-10 0-14		

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	796/36	2-15		
	37	3-9		
	38	5-14		
	39/2	7-7		
	798/40	6-6		
	799/40	2-2		
	800/40	5-11		
	41	6-6		
	42	5-11		
	43	19-10		
	44	0-18		
	45	2-11		
	46	1-19		
	47	6-9		
	48	4-1		
	49	5-2		
	50	9-12		
	51	0-3		
	969/52/2	7-7		
	970/52 to 55 / 2	4-17		
	56	5-14		
	57	2-0		
	58	4-1		
	59	3-0		
	60	3-9		
	61	5-5		
	62	5-2		
	63	0-12		
	64	2-14		
	65/2	0-18		
	66/2	3-0		
	67	3-6		
	68	4-1		
	69/2	2-3		
	70/2	0-3		
	73/2	0-18		
	74/2	1-0		
	801/77/2	0-1		
	Total:-	324-11		
25. Ram Kishan s/o Hardayal	32 50 56	17-2 1/2 share	Rs. 250/-p. sq.yd for land with Instt alongwith the compensation of standing crops	Nil
26. Tara Chand Puri Sanjay Puri ss/o Sri Chand Puri	6 70/2	3-6 0-3	Rs. 100/- p. sq.yd for land	Nil

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MARKET VALUE

The market value of the land under acquisition has to be determined with reference to the price prevailing at the time of preliminary notification u/s 4. The value can be determined with reference to the bonafide sale of similar land possessing similar advantages and potentialities. and also rise and fall in the demand for the land. In the present case the date of preliminary notification u/s 4 is 13.11.1959.

The claimants have claimed compensation at very high rates ranging between Rs.10,000/- per bigha but without adducing any evidence to substantiate their exorbitant claims efforts have therefore been made to evaluate the market value of the land with reference to the sale transactions similarly circumstanced. The Field Staff consulted the records of rights and the following sale transaction were found recorded in the revenue record of this village during the period 1956 to 1959:-

S.No.	Mutation No.	Date of sale	Kh.No.	Area	Consideration money	Average p.bigha
1.	312	7.5.1956	803/77	11-9	Rs.777/-	Rs.65-02
2.	318	17.1.1959	775/507	21-15		
			512	7-10	Rs.20,000/-	Rs.111.64
			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 Sr.No. 1 relates to the year 1956 i.e. three years

Contd...10...

prior to the date of preliminary notification u/s 4 which in this case is 13.11.1959 while the sale transaction mentioned at S.No. 2 is far away from the land under acquisition and is situated beyond Hindon Canal. As such the above sale transactions could not offer any. Guidance can also be taken in the matter from the previous awards and accordingly the Field Staff has also prepared the list of such awards announced in this village . The details are as follows:-

S.No.	Award No.	Date of notification u/s 4	Rate per bigha
1.	40/78-79	19.8.76	Block A Rs. 1550/- Block B Rs. 500/-
2.	46/78-79	13.11.59	Block A Rs. 650/- Block B Rs. 500/-

The date of notification u/s 4 of the award No. 40/78-79 mentioned at S.No. 1 is 19.8.76 while the date of notification u/s 4 in the present case is 13.11.1959 and the land acquired under above award is also far away from the land under acquisition. Award No. 46/78-79 mentioned at S.No. 2 is based on Award No. 1888 of village Gazipur but the land acquired vide award No. 1888 is also far away from the land under acquisition. Therefore the above mentioned awards could also not be relied upon for determining the market value in the present case.

From the above discussion , it is apparent that there is no material record relating to this village which could be used for taking guidance in determining the market value of the land. Therefore, in order to conclude the market value of the land under acquisition the awards of the adjoining villages i.e. Kondly and Khichripur have been scrutinized and the following awards have been announced in which the date of preliminary notification is same as in the land under acquisition i.e. 13.11.1959:-

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S.No.	Name of village	Award No.	Date of notification u/s 4	Rate awarded per bigha
1.	Kondly	84/72-73	13.11.1959	Rs. 550/-
2.	-do-	84-A/72-73	-do-	Rs. 550/-
3.	Khichripur	28/70-71	-do-	Rs. 600/-
4.	-do-	28B/70-71	-do-	Rs. 600/-
5.	-do-	30/70-71	-do-	Rs. 600/-
6.	-do-	30 A/70-71	-do- Block A Block B	Rs. 600/- Rs. 400/-
7.	-do-	30 B/70-71	-do-	Rs. 600/-

The land acquired vide award No. mentioned at S.No. 1 to S,3 to 7 is far away from the land under acquisition. Hence, the above mentioned awards could not offer good guidance for determination of market value of the land under acquisition.

The land acquired vide award No. 28B/70-71 of village Khichripur mentioned at S.No. 4 is quite adjacent to the land under acquisition in which L.A.C. has awarded rate of Rs.600/- per bigha and the following reference cases u/s 18 have been decided by the Court of A.D.J. in the above said award:-

S.No.	L.A.Case No.	Name of the Parties	Rate enhanced by A.D.J.
1.	55/78	Bhuley Singh & Niader Vs. UOI	Rs. 2100/- p.bigha
2.	125/1980	Savitri Bai Vs. UOI	Rs. 2100/- p.bigha

The above said reference have also been considered for assessing the market value of the land.

Spot inspection reveals that soil to the extent of 3/4 feet in depth has been removed from the land under acquisition except Kh.No. 1 to 10. The deficiency in the land has also to be kept in view while assessing the market value of the land. There are three general paths in Kh.Nos. 1-787/2-788/2 which were being used for common passage and owned by Gaon

Contd...12....

Sabha. No compensation needs to be assessed in the present case. Keeping in view the above facts and available evidences I assess Rs. 2100/- per bigha for levelled surface land and Rs. 1700/- per bigha for unlevelled surface of land.

STRUCTURES & TREES :- There is no structure in the land under acquisition. No compensation needs to be assessed in the present case.

WELLS :- There is one Well in Khasra No. 51 as per entries made in the revenue records corresponding to the material date of notification u/s 4. which is owned by Gaon Sabha. The condition of the Well is very poor and not in working condition hence no compensation is being assessed for the above Well., as it is not being utilised by any one. Apart from the above there is another Well existing in Kh. No. 57 on the spot. but no entry has been made for the same in the Khasra girdawari corresponding to the material date of notification and as such it is deemed to have been constructed after the date of notification u/s 4. Therefore, no compensation has also been assessed for Well.

SOLATIUM

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 & validation) Act, 1967. Therefore, interest will be payable only on the market value of the land from the period of expiry of three years of the date of notification u/s 4 which in the present case would be 18.11.62 to the date of announcement of award i.e. 24.11.83 which has been provisionally fixed.

APPORTIONMENT

Compensation will be paid according to the latest entries in the Revenue Record. In case of dispute the matter will be referred to the Court of A. D. J. u/s 30-31 of the Land Acquisition Act for adjudication.

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LAND REVENUE :- The land under acquisition is assessed to Rs. 65-85 as land revenue. The land revenue of this acquired land will be deducted from the Khalsa Rent Roll of the village from the date of taking over possession of the land.

SUMMARY OF THE AWARD

The award is summarised as under:-

1. Compensation for land measuring 44 bighas 6 biswas @ Rs.2100/-per bigha.	Rs. 93,030-00
2. Compensation for land measuring 276 bighas 4 biswas @ Rs.1700/- per bigha.	Rs.4,69,540-00
3. Compensation for land measuring 4 bighas 1 biswas (G.M.Rasta)	Nil 562570=00
4. 15 % solatium	Rs. 84,385-50
5. Interest u/s 4(3) of L.A. (Amendment & Validation) Act, 1967 @ 6 % per annum only on the market value of the land i.e. 570 ~~5,71,075-00~~ w.e.f. 13.11.62 to 24.1.1983 (20 years 73 days)	Rs.6,31,334-84

GRAND TOTAL:- Rs.13,28,790-34

(Rupees Thirteen Lakh Twenty Eight Thousand Seven Hundred Ninty & Paise Thirty Four only)

(J.M.L. BHATNAGAR)
LAND ACQUISITION COLLECTOR(NSW)
DELHI.

30/3/83

Addl. ... 4/5/1983