

A W A R D NO. 73/80-81

NAME OF THE VILLAGE : Khureji Khas
NATURE OF ACQUISITION : Permanent
PURPOSE OF ACQUISITION : Planned Development of Delhi

INTRODUCTION

In pursuance of notification No. F. 15(III)/59-L&B dated 13.11.1959, issued u/s 4 of the Land Acquisition, Act, 1894 an area measuring 2936 Bighas 5 Biswas situated in Village Khureji Khas was to be acquired at public expense for a public purpose namely Planned Development of Delhi. This was followed by a declaration u/s 6 of the Act vide notification No. F. 4(19)/55-L&B dated 18.3.1966. Out of the total area of 2936 Bighas 05 Biswas notified u/s 6 of the L.A. Act an area measuring 1291 Bighas 16 Biswas was acquired through Award No. 22/70-71 and 1527 Bighas 7 Biswas was acquired vide Award No. 22/70-71 (Supplement). An area measuring 92 Bighas 17 Biswas was left from these two areas as there were stay proceedings pending in the High Court, New Delhi.

The Land & Building Department vide d.o.No. F.3(64)/21776 dated 1.11.1976 has directed to acquire an area measuring 4 Bighas 16 Biswas comprising of Kh.No. 47/13 on top priority as the stay order granted in C.W.No. 391-D/66 -Jai Sukh Ram Vs. UOI has been lifted vide order dated 27.3.1970. Hence, these proceedings are being continued for the acquisition of Kh.No. 47/13 measuring 4 Bighas 16 Biswas.

In pursuance of the notices u/s 9 & 10 of L.A. Act, 1894, persons claiming interest in the land filed their claims which have been discussed hereafter under the heading "Claims."

MEASUREMENT

The land was measured on the spot by the Land Acquisition Field Staff in pursuance of section 8 and found correct. Details are as follows:-

<u>Kh.No.</u>	<u>Area</u> Big-Bis	<u>Quality of land</u>
47/13	4-16	Parti Qadim

CLAIMS

In response to notices u/s 9 & 10 following persons filed their claims:-

<u>Sr.No.</u>	<u>Name of claimant</u>	<u>Kh.No.</u>	<u>Compensation claimed</u>	<u>Evidence</u>
1.	Ramwati wd/o Subhas Chand r/o Khureji Khas	47/13	Claimed 1/3rd share in Kh.No. 47/13 measuring 2 bigha 12 biswas. Compensation claimed Rs. 40/- per sq.yd	

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4/12

2. Kishori Lal,
Prem Chand s/o
Ram Chander

Claimed 2/3rd share only of
Kh.No. 47/13
(2-12) Rs. 40/- per sq.yd

MARKET VALUE

The market value of the land is to be determined and assessed keeping in view of the provision u/s 23(1) of the Land Acquisition Act but as we have already discussed that Kh.No. 47/13 measuring 4 Bigha 16 Biswas could not be covered under Award No. 22/70-71 & 22/70-71-Supplement on account of stay from High Court. Since the stay has been vacated but the material date of notification u/s 4 which would be taken into consideration in determining the correct and reasonable market value would remain the same i.e. 13.11.59. The land under acquisition is about two furlongs from the village abadi of Khureji Khas and is adjacent to the pucca road, surrounded by the land, has already been acquired vide Award No. 22/70-71. The learned L.A.C. has categorised ^{that} Award in three categories and according to his khasra number falls under category 'A' which is assessed at Rs. 1100/- per bigha. Being dis-satisfied with the compensation awarded by the L.A.C. the claimants preferred to appeal u/s 18 -A of the Land Acquisition Act. Some of the judicial adjudications available are as under:-

Sr.No.	L.A. case No.	Date of judgment	Kh.Nos	Area	Compensation Awarded by LAC	Compensation Awarded by A.D.J.
1.	425/71	30.9.76	50/8/2	(0-8)	Rs.1100/- per bigha	Rs.8064/- Rs.30 p.b.
2.	460/72	12.4.77	50/4 50/21	(0-2) (0-7)	Rs.1100/- per bigha	Rs.8064/- Rs.30 p.b.
3.	346/71	8.9.78	34/7/1,8/1, 29/24,34/3/3, 34/4,34/7/2, 8/2,48/1,2,9, 10 min,11/1, 49/2/2 total	18-07	Rs.1100/- Rs. 600/-	Rs.2016/- Rs.1100/-

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u/a

4. 497/71 8.9.78 47/18,47/23, (23-16) Rs.1100/-Rs.3
47/14/1,47/14/2,
47/17,47/24

5. 391/71 21.8.78 46/19/2,11/2,12, (36-14)Rs.1100/-Rs.3
20,21,22,45/16,
27/19/2, 22

The cases as decided by the Additional District Judge indicated at Sr.No. 1,2,3 & 5 are far from the land under acquisition and has no homogeneity with the land under acquisition but the land involved at Sr.No. 4 is in the close proximity to the land under acquisition and has quite similarity with the land under acquisition. In this case, 497/71 dated 8.9.78 learned A.D.J. evaluated the land placed in Block 'A' @ Rs. 2020/- per bigha. The judgement seems to be correct and reasonable guide in assessing the market value of the land, because of close proximity and homogeneity with the land under acquisition. So, keeping all the stated facts in view I am of the opinion that the appropriate and correct value of the land could be Rs. 2020/- per bigha say Rs.2020/- per bigha and thus I assess accordingly.

TREES, WELLS & OTHER STRUCTURES

There is no tree, well or structure on the land under acquisition.

INTEREST Applicable

Interest u/s 4(3) of the L.A. (Amendment & Validation) Act, 1967 where there is a time gap of more than 3 years between the issue of notification u/s 4 and section 6 of the Land Acquisition Act, there shall be paid simple interest @ 6% on the market value of the land as determined u/s 23 of the Act, from the date of expiry of the prescribed period of 3 years to the date of tender of payment of compensation. In this particular case preliminary notification u/s 4 was issued on 13.11.1959 and declaration u/s 6 of the Act was published on 31.3.66. There is a time gap of more than 3 years. So, interest is payable from 13.11.1962 to the date of tender of payment. The provision of the above section lays down that no such interest shall be payable for any period during which the proceedings for the acquisition of any land were held up on account of stay of execution of order of the Court.

APPORTIONMENT

The interested persons shall be paid compensation according to the latest entries in the revenue record of the land under acquisition. In case if there is any dispute and the parties do not come to compromise within reasonable time matter shall be referred to A.D.J., for adjudication u/s 30 L.A. Act.

15 % SOLATIUM

Solatum is payable over and above the market assessed.

LAND REVENUE DEDUCTION

The land is assessed to Rs. 1.40 as land revenue which will be deducted from the Rent Roll w.e.f. from the taking over possession.

SUMMARY OF AWARD

Compensation of the land measuring 4 Bigha 16 Biswas @ Rs. 2018/- per Bigha	Rs. 9696-00
Solatum @ 15 %	Rs. 1454-40
Interest u/s 4(3) from 13.11.62 to 26.3.1979 excluding Stay period w.e.f. (5.5.66 to 27.3.70) Total 12 years 173 days	Rs. 7256-86

Total:- Rs. 18407-26

(Rupees Eighteen Thousand Four Hundred Seven and Paise Six only)

Shiv Raj Tyagi
(SHIV RAJ TYAGI)
LAND ACQUISITION COLLECTOR (N)
DELHI

*Awards awarded in the
open court, in the presence
of an undersigned and
interested persons. To stay
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