

A W A R D NO.

76/1972-73  
Tilang Pur Kotla

Name of the village:

Permanent

Nature of acquisition:

Widening of Najafgarh Drain.

Purpose of acquisition:

INTRODUCTION

Land measuring 11 Bighas 11 Biswas situated in village Tilang Pur Kotla was notified for acquisition u/s 4, 17 & 6 of Land Acquisition Act simultaneously vide notification Nos. F.7(69)/70-L&B(i) dated 15.3.72 & F.7(69)/70-L&B(ii) dated 15.3.72 respectively, for a public purpose namely 'Widening of Najafgarh Drain'. A corrigendum to the aforesaid notification u/s 4 & 6 was issued vide notification No. F.7(69)/70-L&H dated 17.7.72. Notice u/s 9(1), 9(3) & 10 were issued to the known persons interested in this acquisition, most of whom have responded by filing their claims.

TRUE & CORRECT AREA

The land was got measured on the spot by the field staff u/s 8 and true & correct area was found to be 17 bighas 4 biswas instead of 11 bighas 11 biswas notified u/s 4, 17 & 6, details of which are given as under:-

Rectangle No.	Kila No.	Area big-bis	Kind of land
11	25/2	0-1	Abpash
12	12/2	less than biswa	-do-
	19/1/1/2	0-11	-do-
	19/2/1	0-17	-do-
	20/2	0-4	-do-
	21/1/2	1-16	-do-
13	5/1/2	0-8	-do-
	5/2/1/2	1-14	-do-
	7/1/2	1-10	-do-
	13/1/2	2-1	-do-
	19/1/1	2-3	-do-

Contd..2..

	19/3/2	0-7	Gair Abpash
	21/1/2	3-5	Parti Jadid
	5/1/2	2-7	Abpash
14	Total	<u>17-4</u>	

CLAIMS

The following interested persons have filed

claims:-

Sr. No.	Name of the claimant	Khasra No.	Rectangle No.	Amount claimed
1.	Ram Narain, Ran Singh, Suraj Bhan ss/o Mare Singh	19/3/2	13	Rs.10,000/- per bigha & also claimed that the compensation may be assessed on the basis of yields of 100 years, i.e. Rs.46000/- -do- per bigha
2.	Ram Singh, Kartar Singh, Bharat Singh, Risal Singh ss/o Ram Kala	5/1/2, 5/2/1/2, 7/1/2, 13/1/2, 19/1/1/2	13	-do-
3.	Risal Singh, Ram Parsad s/o Mohan Lal	5/1/2	14	-do-
4.	Bhim Singh, Kanhiya Lal, Hoshier Singh, Mukhtiar Singh ss/o Surji	12/2 19/1/2 19/2/1/2, 20/2, 21/1/2	12	-do-
5.	Kanhiya Lal, Ram Chander ss/o Garib Das	21/1/2	13	-do-

EVIDENCE

Shri Bhim Singh has filed attested copy of sale deed No. 2620 dated 16.2.67 in respect of land bearing Kh.No. 12/21 measuring 1 bigha for Rs. 4,000/- in favour of Shri Subey Singh s/o Hoshier Singh executed by Bhim Singh, Kanhiya Lal, Hoshier Singh, Mukhtiar Singh ss/o Surji.

MARKET VALUE

Market value of the land under acquisition has to be assessed on or about the date of notification u/s 4 i.e. 15.3.1972. Sale transactions or awards relating to similar land on the material date have to be taken into consideration. Only one award No. 1070 with date of notification u/s 4 as 20.6.60 has been made for land on this village. Since the date of notification u/s 4 in this award is 12 years prior to the material date in the present case, this award cannot offer any help in determination of the market value of the land in question. No sale transactions taking place during the year 1969, 1970 & 1971 are reported to have been mutated in revenue record in this village. Shri Bhim Singh, claimant has however filed attested copy of sale deed dated 16.2.67 in respect of 1 bigha of land for Rs. 4000/-. This sale deed has been executed by Bhim Singh, Kanhiya Lal, Hosiar Singh, Mukhtiar Singh ss/o Surji Singh. It is obvious that the vendee is related to the vendors and is son of one of the vendors Hosiar Singh. This sale deed cannot therefore reflect the true market value of land. More over, this sale transaction took place 5 years prior to the date of notification u/s 4 in the present case. For these reasons it is excluded from consideration.

With no evidence about sale of land in this village sale transactions of similar land in the neighbouring village of Banihola have to be looked into. The following sale transactions have taken place during 1971 and are mutated in the revenue record:-

Mutation No.	Sale deed registration No. with date	Area Big.Bis	Consideration money	Average per bigha
7	336 dt.15.1.1971	13-15	Rs.15,000/-	Rs.1090.90
5	1010 dt.5.2.1971	14-08	Rs.10,000/-	Rs. 694.44
2	9647 dt.17.8.1971	18-19	Rs.19,000/-	Rs.1002.66

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Contd..4...

Sale transaction at Sr.No. 1 out of the above is more relevant as the land involved in the sale deed is similar to the land under acquisition and also because part of Kh.No. 53/8/1 of village Ranhola is being acquired for Widening of Najafgarh Drain. Najafgarh Drain runs through village Ranhola & village Tilang Pur Kotla and both are adjoining villages, Ranhola being on the east of village Tilangpur Kotla. Land bearing above Kh.No. in village Ranhola involved in sale deed at Sr.No. 1 is Abpash land and the land under present acquisition is mostly Abpash land. Abpash & Gair Abpash land is practically the same in this village. Taking into account the sale transaction at Sr.No. 1; I, therefore, consider the rate of Rs. 11,00/- per bigha as fair and reasonable market value for Abpash and Gair Abpash land measuring 13 bighas 19 biswas and assess the same as there is no evidence of further rise in price of land in this village till 15.3.72. Kh.No. 13/21/1/2 (3-05) is recorded parti jadid in the revenue record. This kind of land is inferior to Abpash & Gair Abpash land and is therefore assessed at Rs. 700/- per bigha.

OTHER COMPENSATION.

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

15 % SOLATUM

A sum of 15 % solatium will be paid on account of compulsory nature of acquisition as provided u/s 23(2) of the Land Acquisition Act.

INTEREST

As possession over the land under acquisition has not yet been taken the question of interest does not therefore arise.

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Contd...5....

APPORTIONMENT

The compensation will be paid according to the latest entries in the revenue record. In case of dispute which is not settled between the interested persons within a reasonable time the amount of compensation will be sent to the Court of A.D.J., Delhi for adjudication.

SUMMARY OF THE AWARD

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|--|--------------|
| 1. Market value of land measuring 13 bighas 19 biswas at the rate of Rs. 11,00/- per bigha | Rs. 15345-00 |
| 2. Market value of the land measuring 3 bighas 05 biswas @ Rs. 700/- per bigha             | Rs. 2275-00  |
| 3. 15 % solatium on the market value of the land for compulsory acquisition.               | Rs. 2643-00  |

GRAND TOTAL: -	Rs. 20263-00
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The land is assessed to land revenue of Rs. 4.31 Paise, which will be deducted from the rent roll of the village from the date of taking over possession of the land.

*Phuleshant*  
(B.M.L. GAUMAT) 11.1.73  
LAND ACQUISITION COLLECTOR(DS)  
DELHI.

*Announced & filed today*

*Phuleshant*  
11.1.73

*LAC (Ds.)*

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