

169

AWARD NO. 10/1977-78

Name of village	Tehar
Nature of acquisition	Permanent
Purpose of acquisition	Planned Development of Delhi.

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AWARD

These are proceedings for determination of compensation under section 11 of the Land Acquisition Act, 1894. Land measuring 4 bighas 16 biswas in village Tehar was notified under section 4, 6 & 17 of the Land Acquisition Act vide Delhi Administration notifications Nos.F.10(7)/72-L&B dated 19.12.75 respectively. In pursuance of the aforesaid notification notices under section 9 & 10 of the Land Acquisition Act were issued to the interested persons and the claims filed by them will be discussed after under the separate heading 'Compensation Claims'.

MEASUREMENT & TRUE AREA

The area notified under section 4 & 6 of the Land Acquisition Act is 4 bighas 16 biswas. On measurement made by the field staff of this office, it was found that the true and correct area under acquisition was 4 bighas 16 biswas. The details of the Khasra Nos. are as follows:-

<u>Khasra No.</u>	<u>Area</u>	<u>Classification of soil</u>
1350	4.16	Banjar Qadim.

COMPENSATION CLAIMS.

The following interested persons in response to notices under section 9 & 10 have filed their claims.

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S.No.	Name of the claimant.	Kh.No.	Compensation claims.
1.	Sh.Tilak Raj, Girdhari Lal s/o Nathu Ram, Prabhu Dayal, Gurdyal ss/o Ram Lal.	1350	Have claimed compensation of land @ Rs.150/- per sq. yd. 15% Solatium and statutory interest.
2.	Sh.Siri Ram s/o Bhagan	1350	Has claimed compensation @ Rs.10,000/- per bigha. Has further claimed for his right of non occupancy & tenant @ 0.75 P. out of Rupee 1/-.

DOCUMENTARY EVIDENCE.

S/Shri Tilak Raj and others have filed copies of the following documents in support of their claims:-

1. Sale deed No.12292 dated 4.7.72 for plot measuring 173 $\frac{1}{2}$ sq. yds. out of Kh. No.1494 village Tehar for Rs.12,000/-.
2. Sale deed No.12291 dated 4.7.72 for plot measuring 173 $\frac{1}{2}$ sq. yd. out of Kh.No.1494 village Tehar for Rs.12,000/-.
3. Copy of judgment dated 20.7.72 in LAC No.326/68 (Narain Vs. UOI) in respect of Kh.No.722 measuring 4 bighas 16 biswas acquired vide Award No.2134 village Tehar.
4. Copy of judgment dated 31.3.75 in LAC No.20/72 (Smt.Vidya Vati wd/o Shri Kundan Lal Kapoor Vs. UOI) in respect of Kh.No.638 measuring 4 bighas 9 biswas acquired vide award No.46/71-72 village Tehar.
5. Copy of sale certificate dated 13.1.72 in respect of Kh.No.1350 measuring 4 bighas 16 biswas, issued by the Department of Rehabilitation.
6. Copy of the possession report dated 11.10.72 in respect of Kh.No.1350, issued by the Department of Rehabilitation.

MARKET VALUE

The market value of the land under acquisition is to be determined with reference to the price prevailing at the date of preliminary notification under section 4 with all its advantages

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and with all its potentialities.

The claimants have produced copies of sale deeds Nos.12891 and 12892 dated 4.7.72 for plots measuring 173½ sq. yds. out of Khasra No.1494 village Tehar. The scrutiny of these sale deeds has revealed that land covered under these sale deeds is situated at a distance of one mile from the land under acquisition and the land was purchased by the vendee for residential purpose. Since the land covered under these sale deeds is situated at a reasonable distance of the land under acquisition these sale deeds will not give any useful guidance in assessing the market value of the land under acquisition. The claimants have further produced a copy of judgment dated 20.7.72 in L.A.C. No.326/62 (Narain Vs. UOI) wherein the Addl. Distt.Judge has enhanced the compensation of Khasra No.722 acquired in Award No.2134 village Tehar from Rs.7,500/- to Rs.15,000/- per bigha. The UOI has filed an appeal against the enhanced compensation exceeding Rs.10,000/- in this case. Moreover, the land covered in the above judgment is not similarly circumstanced as it is situated at a distance of about one and a half mile from the land under acquisition and has no comparison in all its advantages and potentialities. This judgment can not, therefore, give any useful guidance in assessing the market value of the land under acquisition.

The claimants have further produced a copy of judgment dated 31.3.75 in L.A.C. No.20/72 (Smt.Vidya Wati Vs. UOI) wherein the Addl. Distt.

Judge has enhanced the compensation of Plot No. 636 acquired in Award No. 46/71-72 of village Tehar from Rs. 7,500/- to Rs. 15,000/- per bigha. The date of preliminary notification of this case is 28.1.68. The classification of land covered under the above judgment is Rosli having levelled ground whereas the land under acquisition is recorded as Banjar Qadim having G.M. Pits in the Khasra Girdawari for the period relating to the date of preliminary notification. The land covered under the said judgment is also situated at a distance of one and a half mile and does not afford a suitable exemplare in assessing the market value of the land under acquisition.

Efforts were, however, made to find out the parallel sale deeds in the village nearest to the material date so as to evaluate the market value of the land. The details of the sale deeds affected near about the date of preliminary notification are as follows:-

Regn.No.	Date of Regn.	Kh.No.	Area	Consideration money.	Incidence per bigha.
13378	29.6.74	373, 372	245 Sq.yd.	Rs.5000/-	Rs.20,572.00
13379	29.6.74	372	100 sq.yd.	Rs.5000/-	Rs.50,416.66
13380	29.6.74	372	100 sq.yd.	Rs.5000/-	Rs.50,416.66
16389	26.8.74	372	245 sq.yd.	Rs.2000/- (5 Biewas)	Rs. 8,000.00
16390	26.8.74	372	521 sq.yd.	Rs.5000/-	Rs. 9,376.00
16391	26.8.74	372	100 sq.yd.	Rs.2000/-	Rs.20,000.00
18217	9.10.74	372	87 sq.yd.	Rs.2000/-	Rs.20,221.00
18376	22.10.74	536	200 sq.yd.	Rs.24000/-	Rs.1,20,000/-
18604	31.10.74	214	200 sq.yd.	Rs.25000/-	Rs.1,25,000/-
18713	31.10.74	372	100 sq.yd.	Rs.2000/-	Rs.20,000/-

18714	31.10.74	372	100 sq.yd.	Rs.2000/-	Rs.20,000/-
18715	31.10.74	372	100 sq.yd.	Rs.2000/-	Rs.20,000/-
18727	6.11.74	877	425 sq.yd.	Rs.40,000/-	Rs. 9,4902/-
1097	9.4.75	479	200 sq.yd.	Rs.12,000/-	Rs.90,000/-
1250	29.4.75	871	231.66 sq. yd.	Rs.22,000/-	Rs.12,1620/-
2126	4.7.75	843	200 sq.yd.	Rs.20,000/-	Rs.10,0000/-
2903	29.8.75	845,	200 sq.yd.	Rs.30,000/-	Rs.1,50,000/-
3493	25.10.75	874	200 sq.yd.	Rs.32,000/-	Rs.1,90,000/-

The scrutiny of the above sale deeds has revealed that these sales deeds are in respect of small plots and the land covered by the sale deeds is situated at a reasonable distance of about one and a half mile from the land under acquisition. Moreover, the plots covered under these sale deeds are situated near the developed/undeveloped colony and as such they have fetched exorbitant rates. Since the land covered under the above sale deeds is not similarly circumstanced as the land covered under the instant award, these sale deeds cannot also give any useful guidance in assessing the correct market value of the land under acquisition.

Out of awards announced so far in respect of village Tehar, the land acquired Vide Award No. 1916 is situated in close proximity of the land under acquisition. The land Acquisition Collector awarded Rs.5000/- per bigha for block A and Rs.3500/- per bigha for block B. However, the court of the Addl.Distt.Judge enhanced the compensation to Rs.9000/- per bigha for block A and Rs.10,000/- per bigha for block B (L.A.C. No.171/70 Dayal Chand Vs. UOI and L.A.C. No.170/67 Dharam Vir Bali Vs. UOI refers). The Union of India has filed appeal on

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the enhanced compensation exceeding Rs.3000/- per bigha in these cases. The land acquired in Award No.1916 and the land under acquisition are similarly circumstanced. Therefore, award No.1916 of village Tehar can give useful guidance in assessing the fair market value of the land under acquisition. The date of preliminary notification under section 4 in respect of award No.1916 is 13.2.64 whereas the date of preliminary notification under section 4 of the present award is 19.12.75. Keeping in view the difference of the period between these two notifications, I consider Rs.14,330/- per bigha as fair and reasonable value of the land under acquisition and accordingly award the same.

WELLS, TREES & STRUCTURES

There is no well, trees or structure on the land under acquisition. Hence no compensation has been assessed.

INTEREST

In view of the provisions of section 17 of the Land Acquisition Act, the possession of the land under acquisition was taken on 12.6.76. The persons interested are entitled to interest at the rate of 6% under section 34 of the Land Acquisition Act w.e.f. 12.6.76 till the date of announcement of the award.

APPORTIONMENT

Compensation will be kept in dispute on the basis of claim filed by Shri Siri Ram who has claimed compensation at the rate of 0.75 paise out of Rupee 1/- in respect of Khasra No.1350 of village Tehar in the capacity of non occupancy tenant. If the parties do

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not reach at an amicable settlement, the compensation will be sent to the court of Addl. Distt. Judge under section 30/31 of the Land Acquisition Act, immediately after the announcement of the award. Compensation will be paid according to the latest entries in the revenue record.

SOLATIUM

15% solatium will be paid to the interested persons for compulsory acquisition of the land.

LAND REVENUE

Land revenue is reported to be 0.37 paise and it will be deducted from the khalsa rent roll of the village from the date on which possession has been taken over. The land will vest entirely free from all encumbrances with the Government.

SUMMARY OF THE AWARD.

- | | |
|---|---------------|
| 1. Compensation for the land measuring 4 bigha 16 biswas @ Rs.14,330/- per bigha kham. | Rs. 68,724=00 |
| 2. 15% Solatium | Rs. 10,317=60 |
| 3. Interest of ^{on} possession @ 6% per annum for the period from 12.6.76 till 16.1.78. | Rs. 7502 =72 |

G.Total

Rs. 86,604=32

(Rupees eighty six thousand six hundred four and paise thirty two only).

R.K. Saxena
(R.K. SAXENA) 16/1/78
LAND ACQUISITION COLLECTOR (P)
DELHI.

T-dy. Award announced
in presence of interested persons.

R.K. Saxena
16/1/78

[illegible]

Adm 02

18-126

[illegible]

By James
Wolcott

Spudagal.

27 18/6/76.

Nepal's
D.D.A
Pat 18/6/76.

Moti Ram
Patuwar
18/6/76

सोतास सिंह
18/6/76.

श्री के तयो गवन विमंती की तरफ से श्री चन्द्र भाव
तहसीलदार (L.B.) ने काब्जा वाकई हासिल करके उसी
समय ज्यों का त्यों श्री शमीक अहमद नायब तहसीलदार
(D.D.A) के हवाले किया गया।

Handed over.

Umrao Singh

Kye-L.B.
18/6/76

Moti Ram
Patuwar
18/6/76.

Nepal's
Patuwar

18/6/76

सोतास सिंह
18-6-76

Verma
18.6.76
(C. B. VERMA)
Dehsalder (L.B.)

Taken over.

Shmed
18.6.76

N.T. (D.D.A)

Seer
18.6.76
19/6/76
LAC (P)

8313 LAB
20/12/75

K. R/1
28.12.75

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Amol Singh (II)

(TO BE PUBLISHED IN PART IV OF DELHI GAZETTE)
DELHI ADMINISTRATION : DELHI
NOTIFICATION

Dated

December, 1975

No. P.10(7)/72-L&B :- Whereas it appears to the Lt. Governor, Delhi, that Land is likely to be required to be taken by the Government at the Public expense for a public purpose, namely for the Planned Development of Delhi, it is hereby notified that the Land in the Locality described below is likely to be acquired for the above purpose.

This notification is made under the Provisions of Section-4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the Powers conferred by the aforesaid Section, the Lt. Governor is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any Land in the Locality and do all other acts required or permitted by that Section.

The Lt. Governor being of the opinion that provisions of Sub-Section (i) of the Section -17 of the said Act are applicable to this land, is further pleased under Sub-Section (4) of the said Section, to direct that the provisions of Section 5-A shall not apply.

SPECIFICATION

Village or Locality	Total Area Bigha - Biswas	Field Nos. or Boundaries
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2.	4-16	1350
TEHAR		

W.C.(P).

No. 118/Tel. (N)
20.12.75

BY ORDER

Krishna Pratap

(KRISHNA PRATAP)

DEPUTY SECRETARY (LAND AND BUILDING)
DELHI ADMINISTRATION : DELHI.

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From pre page

No. F. 10(7)/72-L&B/

Copy forwarded to :-

19773
Dated 19 December

1. The Public Relation Department, Delhi Administration (in Duplicate) for Publication in the Delhi Gazette. Five spare copies of the Gazette in which this notification is published may please be supplied to this Department.
2. The Secretary to the Govt. of India, Ministry of Works & Housing, Nirman Bhawan, New Delhi.
3. Shri Jagmohan, Vice-Chairman, Delhi Development Authority, Vikas Bhawan, New Delhi.
4. The Executive Officer (N.L.), Delhi Development Authority, Vikas Bhawan, New Delhi.
5. The Additional District Magistrate (L.A.), Tis Hazari Courts, Delhi.
6. The Accounts Officer (Finance), Land & Building Department, Vikas Bhawan, New Delhi.
7. The Legal Advisor (L&B), Tis Hazari, Delhi.
8. Shri J.N. Malhotra, Tehsildar (L&B), Vikas Bhawan, New Delhi.
9. Sh. C.B. Verma, Tehsildar (L&B), Vikas Bhawan, New Delhi.
10. The Tehsildar (NOTIFICATION), Tis Hazari, Delhi.
11. Central Record Cell (L&B), Vikas Bhawan, New Delhi.
12. The Sub-Registrar, Shahadara, Kachhara Gate I/II, Asaf Ali Road, New Delhi.
13. The L.A.C.(P)/L.A.C.(MEM)/LAC(D), Tis Hazari, Delhi.

(KRISHNA PRATAP)
DEPUTY SECRETARY (LAND AND BUILDING)
DELHI ADMINISTRATION : DELHI.

82/16 AD
24/12/75

9

TO BE PUBLISHED PART IV OF DELHI GAZETTE)
DELHI ADMINISTRATION : DELHI
NOTIFICATION

Dated the December, 1975.

No.F.10(7)/72-L&B :- Whereas the Lt. Governor, Delhi, is satisfied that Land is required to be taken by Government at Public expense for a Public Purpose, namely for the Planned Development of Delhi, it is hereby declared that the Land described in the specification below is acquired for the above purpose.

(1) This declaration is made under the provision of Section -6 of the Land Acquisition Act, 1894, to all whom it may concern and the provisions of Section-7 of the said Act, the Collector of Delhi is hereby directed to take order for the acquisition of the said Land.

(2) A plan of the Land is enclosed.

24/11/75

SPECIFICATION

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Village or Locality	Total Area Bigha - Biswas	Field Nos. or Boundaries
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TEHAR

4-16

1350

BY ORDER

Krishna Pratap
(KRISHNA PRATAP)

DEPUTY SECRETARY (LAND AND BUILDING)
DELHI ADMINISTRATION : DELHI.

No.F.10(7)/72-L&B/

Dated: -

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2. The Secretary to the Govt. of India, Ministry of Works & Housing Nirman Bhawan, New Delhi.

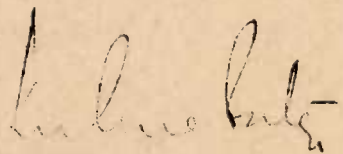
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12.75.

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20.12.75

From pre page

3. Shri Jagmohan, Vice-Chairman, Delhi Development Authority, Vikas Bhawan, New Delhi.
4. The Executive Officer (N.L.), Delhi Development Authority, Vikas Bhawan, New Delhi.
5. The Additional District Magistrate (L.D.), Tis Hazari Courts, Delhi.
6. The Accounts Officer (Finance), Land and Building Department, Vikas Bhawan, New Delhi.
7. The Legal Advisor (L&B), Tis Hazari, Delhi.
8. Shri J.N. Malhotra, Tehsildar (L&B), Vikas Bhawan.
9. Sh. C.B.Verma, Tehsildar (L&B), Vikas Bhawan, New Delhi.
10. The Tehsildar (Notification) Tis Hazari, Delhi.
11. Central Record Cell (L&B), Vikas Bhawan, New Delhi.
12. The Sub-Registrar, Shahadara, Kashmari Gate I/11, Asaf Ali Road, New Delhi.
13. The Land Acquisition Collector (P)/L.A.C.(MEM)/L&B, Tis Hazari, Delhi.


(KRISHNA PRATAP)

DEPUTY SECRETARY (LAND AND BUILDING)
DEPT. ADMINISTRATION : DELHI.