

11

AWARD NO. - 27/92-93  
 NAME OF THE VILLAGE - Matiala  
 PURPOSE OF ACQUISITION - Planned Development of Delhi.  
 NATURE OF ACQUISITION - Permanent

These are proceedings for determination of compensation U/s 11 of Land Acquisition Act ~~1984~~ 1984 in respect of the land measuring 2 bighas and one biswas of Village Matiala notified U/s 4 of the Land Acquisition Act vide notification No. F.10(2)/90-L&B(1) dated 28-6-1990 for a public purpose, namely for "Planned Development of Delhi". In view of the urgency of the scheme the provision of Section 17(1) of the Act were made applicable to the land. The Delhi Administration issued a declaration U/s 6 of the LA Act vide notification No. F.10(2)/90-L&B/(2) dated 14-11-1990.

In pursuance of the above notifications notices U/s 9 & 10 of the LA Act were issued to all the interested persons to file their claims and the claims filed by the claimants are discussed here in after under the heading "Claims".

**MEASUREMENT:-**

The area to be acquired, as given in the declaration U/s 6 of the L.A. Act is 2 bighas and 1 (one) biswa, which was found correct at the time of measurement made by the Field Staff.

<u>Kh. No.</u>	<u>Area</u>
13/9 min	0-12
12 min	1-09
Total	<u>2-01</u>

**Claims:-**

The interested persons have filed their claims as under:-

<u>S.No.</u>	<u>Name</u>	<u>Kh. No.</u>	<u>Claims</u>
1.	Sh. Zile Singh	13/9min 0-12	Rs.50,00,000/-
2.	Sh. Kanval Singh	12 min 1-09	per acre besides additional amount and solatium etc.
3.	Sh. Suraj Bhan Es/Sh. Sri Chand Smt. Sarupi Devi w/o Late Sh. Sri Chand.		

**MARKET VALUE:-**

The market value of the land is to be assessed keeping in view the situation, advantages and potentialities attached to the land under acquisition on the date of acquisition

notification U/s 4 of the Land Acquisition Act. The land use also plays an important role in deciding the market value of the land. In the present case, the interested persons have claimed compensation @ Rs.50 lacs per acre with 12% additional amount and 30% solatium in their claims. But no evidence/proof in support of the claim has been submitted by them. The Delhi Admn. vide letter dated 3/5/90 has fixed up the minimum price of the agricultural land @ Rs. 4.65 lacs per acre, if the land is notified in the year 1990. As per Khasra Girdhawari record for the year 1989, the land in question is not an agricultural but a vacant one. The Field Staff of this office was directed to report if any award has been drawn earlier in this village. It has been reported that award No. 164/86-87 of Village Matiala was announced on 19/9/86. In this award, the LAC had assessed the market value of the land @ Rs.17800/- per bigha, Rs.15000/- per bigha and 14000/- per bigha for land falling in block A, B & C respectively. Besides, the field staff ~~was~~ was also directed to inform as to whether Sale transactions preceeding last 3 years from the date of notification in the present were registered. The field staff has reported that no sale deed for the year 1987-88 and 89 were registered in Village Matiala. The quality of the land in the present case is <sup>non-agricultural</sup> a vacant one. Therefore, it would not be covered under the above referred policy of Delhi Admn. under which minimum price for agricultural land has been fixed.

The field staff meanwhile has reported that the Court of ADJ enhanced the market value @ Rs.36,400/-, Rs.35,400/- and Rs.34,400/- per bigha for land falling in A, B & C Block arising out of award No. 164/86-87 of Village Matiala, in the case of S/Sh. Zile Singh & Ors. Vs, Union of India decided on 28/2/92. The Deptt. has accepted the rate of Rs.28000/- per bigha for all categories of land in the above noted case and has filed appeal over and above for Rs.28000/- per bigha in all categories of land. Therefore, in my ~~my~~ view, it would be fair and reasonable if the abovesaid case is taken as the base for determining the market value of the land in the present case. Since, we have accepted Rs.28000/- per bigha, the market value of the land for the notification of 27/1/84, it would be proper if some appreciation in the market value is granted in this case as there is a time gap of above 6 years in the date of notification U/s 4 of L.A. Act in the present case and that of earlier award.

I, therefore, feel it justified if 6% appreciation per annum is given on the value of Rs.28,000/- per bigha and thus determine the market value in the present case @ Rs.38,080/- P.B.

**STRUCTURES, WELLS & TREES:-**

There are no structure, wells and trees in the acquired land.

**POSSESSION:-**

The possession of the land has been taken over and handed over to the acquiring deptt. on 5/2/91. The interested persons are entitled for the interest U/s 34 of the L.A. Act @9% per annum for one year and thereafter, 15% per annum till the announcement of the award.

**SOLATIUM:-**

30% solatium U/s 23(2) of the L.A. Act is also given to the interested persons.

**ADDITIONAL AMOUNT:-**

Additional amount U/s 23(1)(A) @12% per annum on the market value of the land is payable to the interested persons from the date of notification U/s 4 to the date of possession of the land or the date of announcement of the Award whichever is earlier.

**APPORTIONMENT:-**

Compensation will be paid in accordance with the latest entries in the revenue records. In case of any dispute regarding title, apportionment of compensation, the matter will be referred to the Court of ADJ u/s 30-31 of the L.A. Act.

**SUMMARY:-**

Compensation for the land measuring 2 bighas 1 biswa @Rs.38,080/- per bigha.	- Rs. 78,064/-
30% solatium	Rs. 23,419/-
12% additional amount from 28/6/90 to 4/2/91(221 days)	- Rs. 5,672/-
Interest u/s 34 @9% per annum w.e.f. 5.2.91 to 4.2.92 (one year)	- Rs. 9,644/-
Interest u/s 34 @15% per annum w.e.f. 5.2.92 to 30.9.92 (239 days)	- Rs. 10,525/-

Total:-

Rs. 1,27,324/-

ONE LAKH TWENTY SEVEN THOUSAND  
HUNDRED AND TWENTY FOUR ONLY)

(BY.)

Approved

(P.C. CHATURVEDI)  
LAND ACQUISITION COLLECTOR (PN)  
DELHI. L.A.C.

4/N.

Announced in the open Court non present  
Issue notices 4/5. 12ty to the interested persons

Immediatly.  
9/11/92 L. O. C. C. N.