

NO. 8/85-86 dt 26/6/85 3

NAME OF THE VILLAGE : POSSANGIPUR
NATURE OF ACQUISITION: PERMANENT
PURPOSE OF ACQUISITION: PLANNED DEVELOPMENT OF DELHI.

Introductory

These are the proceedings for determination of market value of 7 bigha 18 biswas land situated in the revenue estate of village Possangipur. The land is required by the Govt. for a public purpose, namely, for the Planned Development of Delhi at public expense. The land stands notified u/s 4 of the Land Acquisition Act vide notification No.F.15(245)/60-LSG/L&H dt. 24.10.61. After considering objections u/s 5A of the aforesaid Act, the declaration u/s 6 of the said Act was issued by the Govt. vide notification No.F4(92)/62-L&H dt. 12.11.68.

Notices u/s 9 & 10 of the said Act were issued to the interested persons. In response to the notices issued, claims filed by the interested persons have been mentioned ~~xxx~~ under the heading 'Claims for Compensation'.

Area, Measurement & Classification :

The land was measured at site by the Land Acquisition field staff and correct particulars of the land are given below:-

<u>Khasra No.</u>	<u>Area Big.-Bis.</u>	<u>Nature of soil as per revenue record.</u>
42/1	7 - 18	Geir Mumkin Abadi

Claims for Compensation :

The following interested persons have filed their claims:-

<u>Sl.No.</u>	<u>Name of the claimant</u>	<u>Kh.No. and substance of claim</u>
1.	Raj Rani w/o Hira Lal R/o WE/63, Possangipur.	42/1 (200 sq.yds); seeks exemption from acquisition Claims 75% of the 20 yrs rental income or of valuation assessed for the land & construction in his tenancy by valuing the land @ Rs.200/- p sq yd & for the const. raised by the land lord @ Rs.10000/-; Rs.20000 for the loss of goodwill; Rs.10000/- for loss of shifting of business; Rs.1000 as refund for security alongwith solatium & Interest
2.	Mohd Salim s/o Nathu Khan R/o WZ/62 Possangipur, Delhi.	42/1 (200 sq.yds) -do-

<u>Sl.No.</u>	<u>name of the claimant</u>	<u>Substance of claim</u>
3.	Basant Lal s/o Birbal Dass R/o Possangipur Delhi.	42/1(300 sq.yd) claim Rs.10000/-for house: Rs.20000/-for loss of goodwill Rs.2000/-for loss of business & in alternative shop shop demanded at suitable site.
4.	Sat Narain s/o Shambu Dyal r/o Possangipur.	42/1; -do-.
5.	Ram Partap Gupta s/o Babu Ram Gupta r/o WZ-62Possangipur; WZ-62/1 Janakpuri, N.D.	42/1; Compensation for loss of business Rs.10000/-, for loss of good- will Rs.20,000/-Rs.6000/-for change of place.
6.	Kamla Devi etc. R/o-WZ-62, Possangipur.	42/1(200sq.yd)claim 75% of the 20 yrs rental income;Rs.20000/-for loss of goodwill;Rs.10000/-for chnge of busi- ness; Rs.15000 for construction; alongwith solatium and interest also seeks exemption from acquisition
7.	Subhash Chander s/o Kripa Ram R/o WZ-62, possangipur, Delhi.	42/1; -do-.
8.	Anand Singh s/o Daulat Singh R/o WZ-62 Possangipur, Delhi.	42/1; -do-.
9.	Sawan Singh s/o Karam Singh R/o WZ-62-F/7 Possangipur, Delhi.	42/1; claim 75% of the 20 yrs. rent income;Rs.10000/-for loss of goodwill Rs.5000/-for change of business; Rs.1000/-for security in lieu of acquisition alternative site demand & also seeks exemption from acquisi- tion.
10.	Baldev Raj Gulati s/o Harbans Singh r/o WZ-62-D/2 Possangipur.	42/1; claim 75% of the 20 yrs. rental income;Rs.25000/-for loss of goodwill Rs.10000for change of business;Rs.5000, for close of business alongwith solatium & Interest & also seeks exemption from acquisition.
11.	Santosh Singh s/o Dharam Singh R/o WZ-62-F11 Possangipur, Delhi.	42/1; claim 75% of the 20 yrs rental income; Rs.10000/-for loss of goodwill Rs.5000/-for loss of business;Rs.1000/- for security alongwith solatium and interest;also seeks exemption from acquisition.
12.	Mool Chand s/o Ramu Mal r/o WZ-62-E/2 Possangipur.	42/1; -do-.
13.	Chander Sain s/o Baljeet WZ-62-G/5, Possangipur.	42/1;Rs.20000/-for loss of goodwill. Rs.10000/-for loss of business rest -d
14.	Gian Chand s/o Baljit R/o WZ-62-I/3Possangipur.	42/1; same as mentioned at sl.No.12, 13
15.	Jagat Ram s/o Bhagat Ram WZ-62-E/3 Possangipur, Delhi.	42/1 -do-
16.	Dharam Chand s/o Bhagat Ram R/o WZ-62E/4 Possangipur.	42/1; -do-.
17.	Ram Kishan s/o Bakhtawar R/o WZ-62-C-1 Posangipur.	42/1; -do-.
18.	Narsingh Dass s/o Bela Ram WZ-62, F/40 Possangipur.	42/1; -do-.

Sl-No.	Name of the claimant	Substance of claim
19.	Shiv Dutt s/o Nand Ram R/o WZ-62-H/5 Possangipur	42/1; same as mentioned at sl.No.12 &13.
20.	Chhotu Ram s/o Sohan Das R/o WZ-62 - F-7 Possangi Pur.	42/1; -do-
21.	Kamlesh Parashar s/o Om Parkash r/o WZ-62-G/2 Possangipur.	42/1; -do-
22.	Kanta Rani w/o Rajinder Kumar R/o WZ62-G/4 Possangipur.	42/1; -do-
23.	Brij Lal s/o Boota Ram R/o WZ-62-H/4 Possangipur.	42/1; -do-
24.	Hari Singh s/o Bhagmal R/o WZ-62-F-5 Possangipur.	42/1; -do-
25.	Nand Kishore Batra s/o Sant Ram R/o WZ-62 F-13 Possangipur, Delhi.	42/1; -do-
26.	Rajiv Batra s/o Nand Kishore r/o WZ-62-F/14 Possangipur.	42/1; -do-
27.	Niley Sangyasi s/o Niley R/o WZ-62-E/1 Possangipur.	42/1; -do-
28.	Darshan Lal @ Sudarshan Lal R/o WZ-62-H/2-3 Possangipur.	42/1; -do-
29.	Lachman Dass s/o Hardyal R/o WZ-62 -D/4 Possangipur, Delhi.	42/1; claim 75% of the 20 years rental value; Rs.10,000/-for loss of goodwill; Rs.5000/-for loss of business; & in lieu of acquisition alternative plot demanded alongwith solatium & interest & also seeks exemption from acquisition.
30.	Sushil s/o Ram Nath Sehgal R/o WZ-62-F-9 Possangipur.	42/1; -do-
31.	Basant Kumar s/o Ram Nath Sehgal WZ-62-F8 Possangipur.	42/1; -do-
32.	Om Parkash s/o Sher Singh R/o WZ-62 E/4 Possangipur.	42/1; claim 75% of the 20 yrs. rental income; Rs.20,000/-for loss of goodwill; Rs.10000/-for loss of business; alternat- ive site; solatium and interest and also seeks exemption from acquisition.
33.	Ghanshyam Das s/o Kishan R/o WZ-62/B-2 Possangipur.	42/1; -do-
34.	Sh Kishan s/o Banwari Lal R/o WZ62/B-6 Possangipur.	42/1; -do-
35.	Habans Singh s/o Shanker Das R/o WZ-62-B-6 Possangipur.	42/1; -do-
36.	Kesho Ram Sharma s/o Khairati Ram R/o WZ-62 F/10 Possangipur, Delhi.	42/1; -do- & Rs.5000/-for construction.
37.	Manphool s/o Anand R/o WZ-62 Possangipur.	42/1; do-, Rs.8000/-for construction.
38.	Zile Singh s/o Maha Singh R/o WZ-62 Possangipur.	42/1; -do-, Rs.5000/-for construction.
39.	Kailash Chander s/o Chande Ram Sume Nath s/o Girdhari Lal. WZ-62 Possangipur.	42/1; -do-4/-.

6

Sl.No.	Name of the claimant	Substance of claim
40.	Mangat Ram s/o r/o WZ-62, Possangipur	42/1; claim 75% of the 20 years rental income; Rs.5000/-for loss of goodwill; Rs.5000/-for loss of business & in lieu of acquisition of his land alternative plot demanded alongwith solatium and interest & also seeks exemption of his land from acquisition
41.	K.K.Khanna s/o Amar Nath Khanna WZ-62-B-1 Possangipur.	42/1; 75% of the 20 years rental income Rs.2000/-for loss of goodwill; Rs.1000/-for loss of business; Rs.1000/-as security: if acquired alternative site demanded and also seeks exemption from acquisition of his land.
42.	Sohan Lal R/o WZ-62, possangipur, -do-.	-do-.
43.	Sultan Singh s/o permanand; R/o WZ-62 possangipur.	42/1; -do-.
44.	Ram Kumar s/o Ram Chand R/o WZ-62, Possangipur.	42/1; -do-.
45.	Kishan Lal s/o Moolia R/o WZ-62, Possangipur.	42/1; -do-.
46.	Naruna s/o Gian r/o WZ-62, Possangipur.	42/1; -do-.
47.	Ramji Lal s/o Ram Lal r/o -do-	42/1; -do-.
48.	Kanhiya Lal r/o -do-.	42/1; -do-.
49.	Gopi s/o Narain r/o -do-.	42/1; -do-.
50.	Gopal s/o Kheir r/o -do-.	42/1; -do-.
51.	Salag s/o Moolley. r/o -do-.	42/1; -do-.
52.	Bhooma s/o Ganga Sahai; r/o - do-.	42/1; -do-.
53.	Lal Chand s/o -do- r/o -do-.	42/1; -do-.
54.	Hari Chand s/o Diwan Chand r/o -do-.	42/1; claim 75% of the 20 years rental income; Rs.20000/-for loss of goodwill; Rs.10,000/-for loss of business; alternative plot in lieu of acquisition: also seeks exemption of his land from acquisition.
55.	Rajinder Kumar s/o Harmander; r/o -do-.	42/1; -do-.
56.	Kishan Kumar Garg s/o Ram Richpal Garg r/o -do-.	42/1; -do-.
57.	Nihal Singh s/o Fathe Singh r/o -do-.	42/1; claim 75% of the 20 years rental income; ;Rs.5000/-for loss of goodwill; Rs.5000/-for loss of business; alongwith solatium and interest; in lieu of acquisition alternative plot also seeks exemption from acquisition.
58.	Devi Ram s/o Mam Chand r/o -do-.	42/1; -do-.
59.	Ram Sahai s/o MoolChand r/o -do-.	42/1; -do-; Rs.500/-for jhuggi.
60.	Rajinder Singh s/o Khazah r/o -do-.	42/1; Rs.20000/-for loss of goodwill; rest -do-.

Market Value

Market Value is to be assessed as on 24.10.61, the date of notification U/s 4 of the Land Acquisition Act. Relevant provisions of the L.A. Act are to be kept in mind while arriving at fair and just market value.

The land forms part of village Abadi and thickly built-upon in the form of shops and small scale industries. Entire area around the land in question has since been developed and the colony so developed is called Janak Puri.

The claimants have not furnished evidence in support of their claims. Two awards have been announced in the village so far. In one Award No. 2116, material date was 20.6.68, which is ^{not} relevant to these proceedings and another Award No. 1698 with same material date as of these proceedings was made. Against this Award judicial determination of market value is available in LAC No. 132/66 - 'Vishnow Dutt Vs. Union of India' ^(in which the Court Or) enhanced the market price of land near the village abadi from Rs. 1200/- per bigha as awarded by LAC to Rs. 3250/- per bigha. This price has been accepted and not appeal has been filed. Keeping ^{in view} ~~us~~ all other factors for consideration in arriving at market value, the judicial determination is best piece of evidence which can be relied safely. Further appeal against this enhancement is not available so far. Hence the price of Rs. 3250/- per bigha fixed by the learned ADJ is final and I award the price of land in question at this very rate.

Compensation for Structures :

As per entries in the revenue record, the land has been described as 'abadi-deh'. For the purpose of valuation of the structures reference was made to the Engineering staff who have stated that from the material used in the structures, it is evident that these were constructed in 1967 to 1974, the village abadi is quite old and there might have been structures in some other form but it appears that due to development these structures have again been erected in the year 1967 to 1974 and hence does not merit any compensation. The claimants have also not furnished proofs or evidence for compensation of structures. In view of this

no amount is assessed for structures.

Compensation for Wells & Trees :

There is no well & tree on the land presently under acquisition & hence nothing is assessed on account of these.

Interest :

- 1) Interest^{is (M)} allowed U/s 4(3) of the Land Acquisition^{Amendment} Act^(M) 1967^{as}; the notification U/s 4 was made on 24.10.61 and U/s 6 on 12.11.66. There is a gap of more than three years in between these two notifications. Hence interest at the rate of 6% per annum is allowed w.e.f. 24.10.64 till the date of announcement of the Award.
- ii) Amount equal to 12% per annum on the market value is also allowed w.e.f. 24.10.61 till the date of announcement of the Award u/s 15 of the Land Acquisition Amendment Act, 1984.

Solatium :

Solatium @ 30% on the market value is allowed u/s 23(2b) of the Land Acquisition Amendment Act, 1984.

Apportionment :

Compensation will be paid to the bhumidars according to the latest entries of revenue record. Any dispute of title/apportionment which cannot be settled here will, however, be referred to the court of ADJ for adjudication.

Deduction of Land Revenue :

No land revenue has been assessed in respect of the land under acquisition.

Vesting of Ownership :

From the date of taking over possession, the land under acquisition will vest absolutely in Government free from all encumbrances.

Subject to the above, the award is summarised as under :-

1. Land measuring 7 bigha 18 biswa
@ Rs. 3250/-per bigha.

Rs. 25,675-00

Solatum @ 30%.

Rs. 7,702-50

Interest @ 6% on the market value
of land at Rs. 25675-00 w.e.f.
24.10.64 to 23.5.85 i.e. 20 Yrs.
212 days.

Rs. 31,704-75

Additional compensation as required
u/s 23(1-A) as inserted by clause(a)
U/s 15 on the market value of land
i.e. on Rs. 25675-00 @ 12%
w.e.f. 24.10.61 to 23.5.85 i.e.
23 Years 212 days.

Rs. 72,652-51

Total

Rs. 1,37,734-76

(Rs. One Lakh, Thirty Seven Thousand, Seven Hundred
Thirty Four & Paise Seventy Six Only).

[Signature]

(B.S. RANA)
Land Acquisition Collector (PD)
Delhi. 26/6/85

APPROVED

[Signature]

Award announced and held to-day.

[Signature]

LAC (PD)
26/6/85

47

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

No. F4 (92) / 62 -L&H() Dated the Nov., 1968
Delhi that land is required to be taken by Government at the
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 required for the above
purpose.

This declaration is made under the provisions of section
6 of the Land Acquisition Act, 1894 to all to whom it may
concern and under 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.

A Plan of the land may be inspected at the office of the
Collector of Delhi.

Specification

<u>Village or locality</u>	<u>Area Big-Bis</u>	<u>Field Nos. or boundaries Rect Nox Kh. Nos.</u>
Posanipur	9 - 01	42/1, 49/1

By order

sd/-xxxx

(D.P. BAHUGUNA)
Deputy Secretary III (L&Bldg.)
Delhi Administration, Delhi.

Dated the 12th Nov. 1968

No. F4 (92) / 62 -L&B()

Copy forwarded to the :

1. Public Relations Department, Delhi Administration (in duplicate) for publication in the Delhi Gazette.
2. Additional District Magistrate (LA), Delhi.
3. Land Acquisition Collector(), Delhi.
4. Legal Adviser, Land & Building Department, Delhi.
5. Tehsildar, Land & Building Department, New Delhi.
6. Central Record Cell (Land & Building Department), New Delhi.

sd/xxxx
(D.P. Bahuguna)
Dy Secy (Land & Bldg.)
Delhi Admin. Delhi.