

AWARD NO. 64/1772-73

Name of village:- Babarpur.
Nature of acquisition:- Permanent.
Purpose of acquisition:- Planned Development of Delhi.

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These are proceedings u/s 11 of the Land Acquisition Act in respect of land measuring 1 big. 15 bis. situated in village Babarpur. The land forms part of general notification u/s 4 of the Act issued by the Delhi Administration vide No. F15(245)/60-LSG dated 10.11.60 for an area of 1808 acres required for Planned development of Delhi. Declaration u/s 6 of the Act was issued vide No. F4(19)/65-L&H(11) dated 6.1.67 for an area 35 big. 7 bis. out of which the land measuring 1 big. 15 bis. is the subject matter of the present acquisition. *The remaining area will be acquired through a supplementary Award.*

Notices u/s 9 & 10 of the Act were issued to the persons interested in this land. Claims received would be discussed under the appropriate heading Claims & Evidence. Measurement & correct area

As already said the declaration u/s 6 of the Act was issued for an area measuring 35 big. 7 bis., but the present acquisition is confined to an area measuring 1 big. 15 bis., ~~as per measurement of the measuring department~~ which area was found correct at spot on measurement carried out by the Land acquisition field staff.

The details of the land under acquisition are as below:-

Kh. No.	Area	Classification of land.
395-396/37/1	1-15	Nehri.
	<u>1-15</u>	

Ownership & Occupancy

The details of ownership and occupancy of the land under acquisition are as below:-

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S.No.	Name of owner	Name of occupant.	Kh.No. with area.	Classification of land
1.	Deoki Bai w/o Daulta Ram Sethi	Self	395-396/37/1 (1-15)	Nehri.

Claims & Evidence.

Notices u/s 9 & 10 of the Act were issued to the persons interested. The following persons have filed their claims in response to the notices.

S.No.	Name of claimant	Kh.No. & Area	Rate Claimed.	Evidence.
1.	Deoki Bai w/o Daulta Ram Sethi through Sant Ram Sethi, G. Attorney.	395-396/37/1 (1-15) 1765 sq.yd.	Rs.50/- per sq. yd.- Amounting to Rs.88250/- +15% Solatium as Rs.13237.50 G. Total 101487.50.	Copy of General power of attorney in favour of Sant Ram Sethi.

Market value

In determining the market value of the land at the date of the preliminary notification, many factors enter into reckoning like size and shape of the land, its situation, the tenure, the use to which it is put, its potentiality and rise and fall in the demand for the land. In arriving at the correct market value of the land, the best evidence available would be evidence of genuine sales affected at the time of the preliminary notification, either in respect of land under acquisition or a part thereof, or the sales of the land parallel in circumstances to the land under acquisition. The awards of the court also afford an excellent guide in evaluating the land under acquisition.

In the present case the date of preliminary notification u/s 4 L.A. Act is 10.11.60. The claimants have demanded a very high rate of compensation without

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adducing any evidence to substantiate their claims.

Revenue record was consulted by the field staff with a view to find out sale transactions of the land similarly circumstanced and which took place near about the date of preliminary notification in the present case.

The following sales came to notice:-

S.No.	'Mutation' No.	Date of Registr- ation.	'Khasra' No.	'Area'	'Consid. Amt.'	'Average p.b.'
1.	461	13.4.60	310 min	0-03	300.00	2000.00
2.	470	23.9.60	310/27	0-03	465.00	3100.00
3.	464	13.11.59	310/14	0-03	429.00	2860.00
4.	505	5.3.60	310/33	0-03	500.00	3333.33

It would be seen from the above table that all the four transactions involved very small areas of land which could not offer guidance in the present case as the land in question is in a compact block. It is no denying the fact that small pieces of land attract better price in comparison to land covering large areas.

It would, therefore, be helpful here to obtain guidance, if appropriate, from the awards made in the recent past in the village as relevant to the date of notification u/s 4. There has been only one award No.25/69-70 in respect of land measuring 66 big. 15 bis. The date of preliminary notification in the award is 13.11.59 and the market value determined was at Rs.1500/- per big. The award was based on award No.2058 of village Jafraabad adjoining to the land acquired through the above award. These awards do not offer guidance in the

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As already said the declaration u/s 6 of the Act was issued for an area measuring 35 big. 7 bis., but the present acquisition is confined to an area measuring 1 big. 15 bis., ~~as per record of the surveying department~~ which area was found correct at spot on measurement carried out by the Land acquisition field staff.

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present case as the land involved in both the cases is on the southern side of the village Abadi of Babarpur and is near ^{to} the G.T. Road, while the land under acquisition is on the northern side of the said village and is far away from G.T. Road. Thus the land under acquisition is disadvantageously placed in comparison to the land acquired under these two awards.

As already discussed above, no relevant sale transactions are available involving considerable area, therefore, it would be helpful to obtain guidance from sale transactions having taken place in the adjoining village Majipur as sales of land in the neighbourhood similarly circumstanced is yet another recognized method of evaluating this land.

Revenue record in respect of this village was further consulted by the field staff and the following sale transactions were found out:-

S.No. 'Mutation' No. Date of 'Khasra' Registr- No. 'Area' 'Amount' 'Average p. b. ation.

1.	617	12.3.58	1, 12, 32	1-18	1000/-	520/-
2.	618	12.3.58	12, 35	1-15	1000/-	560/-
3.	619	18.3.58	325, 318 etc.	7-02	4000/-	564/-
4.	614	5.3.59	275	1-16	1500/-	833/-
5.	615	"	274, 280	3-03	2500/-	793/-

In the above sales, the transactions at S.No. 1 to 3 relate to the period March 1958 and are anterior by about two and a half years to the relevant date in the present case. The transactions at S.No. 4 & 5 were struck on 5.3.59 in respect of land measuring

measuring 4 big. 19 bis. for a consideration of Rs.4000/- making an average of Rs.813/- per bigha. The table reveals that there has been some rising trend in the sale prices from the year 1958 to the year 1959. However, no sale transaction was found ~~awarded~~ ^{awarded} in the year 1960. Sales at S.No.4 & 5 can be relied in the present case and on the basis of which it would be fair and reasonable to assess the market value after giving a margin of 6% p.a. on a sum of Rs.813/- which works out to Rs.61.34 say Rs.62/-. I therefore assess the market value in the case at ~~Rs.880/-~~ ^{Rs.880/-} p. bigha and award the same accordingly.

Other compensation

There is no well, ~~shrine~~ ^{structure} or tree on the land under acquisition and as such no compensation is assessed under this heading.

Solatium

15% solatium will be paid over and above the market value of the land towards compulsory nature of acquisition.

Interest.

The case falls within the purview of the Land Acquisition (Amendment & Validation) Act, 1967 as the declaration u/s 6 of the Act in the present case was issued after the expiry of 3 years from the date of notification u/s 4 of L.A. Act. The date of notification u/s 4 of the L.A. Act being 10.11.60 therefore interest at 6% p.a. would be paid only on market value of the land w.e.f 10.11.63 to the date of announcement of the award which is

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tentatively fixed for 18.11.72.

LAND REVENUE:

The land under acquisition is assessed to 79 paise which will be deducted from the Khalsa Rent Roll ~~Rs~~ from the dated of possession.

Apportionment:

Compensation for the land under acquisition would be payable on the basis of the latest entries in the Revenue Record.

The compensation will be held disputed in case where there are person in possession other than the recorded owners.

The summary of the award is an under:-

- | | | |
|-------|--|--------------------|
| 1. | Compensation of land measuring
1 bigha 15 biswas @ Rs. 880/- per bigha. | Rs. 1540-00 |
| 2. | Add 15% Solatium. | Rs. 231-00 |
| 3. | Interest u/s 4(3) of the Land
Acquisition (Amendment & Validation)
Act 1967 w.e.f. 10.11.63 to 17.11.72
(9 years 8 days) on market value
i.e. Rs. 1540-00. | Rs. 833-62 |
| Total | | <u>Rs. 2604-62</u> |

(Rupees two Thousand ~~six~~ hundred four and
paise sixty two only.)

V. K. Bhalla
(V.K.BHALLA)
LAND ACQUISITION COLLECTOR (MSW)
DELHI.

*Award
made
today - 22nd
Nov 72*

वाइ काठजा अवाइ नं 64/1972-73 ग्राम
बाबर पुर, देहली काबत रकबा 1-15 अं.

बलुजिब ~~काठजा~~ जनाक 2 बिट साहब बहादुर
दिल्ली आज दिनांक 5.12.72 बहराह श्री रतन सिंह
काठजा 2 अ. श्री मूल चन्द पटवारी R.A. व श्री गिताराम
पटवारी मौक पर पहुँचें। बलुजिब जोशाम गदकना
C.P.W.D. भी और से श्री D.K. Chahalra (S.O) व श्री
तथा जवन निमाग भी और से श्री राम प्रकारा लाका
नामक तहसीलदार (रं B) व श्री शान चन्द काठजा (रं B)
दिल्ली उवाकन 2 मौक पर मौजूद मिले। कारखाना भी
और से श्री सन्तरास सेठी पुष्पचौर आज श्री मती देवी
काइ होजिर थे। आराजी अन्वापर सुदा बराप अवाइ
नं 64/1972-73 ग्राम बाबर पुर में रं 9 नवराग रवसरा

395-396/37/1 मुल तादाही 1-15 अं. का काठजा वाकई
(1-15)

काइ आज मौजइश बजरिमा जरीफ अवाजी व मुजिमत रवाक
लागा कर होसिल किया गया और बजरिमा श्री राम प्रकारा लाका
नामक तहसीलदार (रं B) होला किया गया जिन्हा न बजरिमा
काठजा आराजी गजबूरा वाला होला श्री D.K. Chahalra
(S.O) C.P.W.D., Division No. 10. किया गया। मौक पर ताम
रकबा खोली आज काबत पाया गया। बजरिमा कारवाइ काठजा
काइ गजाइत पेशा गेही आइ। मौक पर व देह होला
मुद्रतरी व मुगाही काबत तबदीली काठजा बजरिमा

