

AWARD No.

2/77-78

259

Name of the village: Bagrola.

Nature of acquisition: Permanent.

Purpose of acquisition: For the construction of Bagrola Drain.

These are proceedings u/s 11 of the L.A. Act, 1894 for determination of compensation in respect of land measuring 19.06 bighas in village Bagrola. The land is required for construction of Bagrola Drain Scheme. It is notified u/s 4 of the L.A. Act vide notification No.F.7(46)/72-L&B(1) dated 26.2.1976 and u/s 6 vide No.F.7(46)/72-L&B(11) dated 26.2.76.

Since it was a case of emergency, therefore, section 17 of the Act was also made applicable through notification No.F.7(46)/72-L&B(1) dated 26.2.76 and possession of the land was taken on 24.9.76.

Notices u/ss 9 & 10 of the Act were issued to the persons interested. Claims filed in the case will be discussed later under the heading 'Claims & Evidence'.

CORRECT AREA & MEASUREMENT:

The Land Acquisition field staff carried out necessary measurement on the spot along with the field staff of the Acquiring Department as per demarcation given and measurement carried out the area acquired for the scheme was found to be 19.06 bighas instead 21.06 bighas notified originally. The details of the land are given as below:

<u>Kh. No.</u>	<u>Area</u>	<u>Kind of soil.</u>
Rect. 6/12/1	0.01	Abpash.
13/1/1	0.01	-do-
13/2/1	0.03	-do-
14/1/2/1	0.02	-do-
20/1	0.10	-do-
19/1	0.08	-do-
18/1	0.04	-do-
17/2/1	0.04	-do-
17/1/1	less than one biswa.	Gair Abpash.

contd.....2

<u>Rectl. 6</u> 16/1	0.04	Gair Abpash.
<u>Rectl. 7</u> 11/1/1	0.02	Banjar Jaddid.
11/2/1	0.03	-do-
19/1	0.08	Gair Abpash.
18/2/1	0.03	-do-
18/1/1	0.06	-do-
18/2/1	0.05	-do-
17/1/1	0.03	Abpash.
25/1	0.08	Gair Abpash.
<u>Rectl. 8</u> 21/1	0.01	Abpash.
<u>Rectl. 15</u> 1/1/1	0.12	-do-
2/1/1	0.04	-do-
2/2/1	0.04	-do-
3/1	0.06	-do-
7/2/1	0.05	-do-
6/2/1	0.04	-do-
<u>Rectl. 14</u> 11/1	0.08	Gair Abpash.
12/1	0.08	Abpash.
13/1	0.06	-do-
9/1/1	0.02	-do-
8/2/1	0.04	-do-
Rectl. 35	2.12	Garmunkin Rasta
Rectl. 36	3.06	-do-
Rect. 37/1	3.06	-do-
Rect. 38	3.00	-do-
Rectl. 39/1	0.03	-do-
Total:	<u>19.06</u>	

Area: Abpash(4.12);
 Gair Abpash (2.02)
 Banjar Jaddid (0.05)
 Garmunkin Rasta(12.07).

OWNERSHIP & OCCUPANCY

No.	Name of the owner	Name of the occupant	Kh.No.	Area	Kind of soil
1.	Puran s/o chhi ba	Self	<u>Rectl.14</u> 11/1 12/1 13/1 <u>Rectl.15</u> 6/2/1	0.08 0.08 0.06 0.04 <u>1.06</u>	Gair Abpash Abpash. -do- -do-
2.	Bhagwana, Ram Chander ss/o & Smt. Chandro, Bharto, Santra ds/o Abhey - equal shares.	Self	<u>Rectl.7</u> 17/1/1 17/2/1 18/1/1 25/1	0.03 0.05 0.06 0.08 <u>1.02</u>	Abpash. Gair Abpash. -do- -do-
3.	Bhagwana s/o Nathan	Self	<u>Rectl.6</u> 16/1 17/1/1	0.04 less than 1 biswa.	Gair Abpash. -do-
4.	Puran s/o Nanda 1/2 share, Jagram Balbir Singh, Smt. Sho Narain s/o Ram Raj - equal share in 1/2 share.	Self	<u>Rectl.8</u> 21/1 <u>Rectl.15</u> 1/1/1 2/1/1	0.01 0.12 0.04 <u>0.17</u>	Abpash. -do- -do-
5.	Munshi s/o Singha	Self	<u>Rectl.6</u> 12/1 13/1/1 19/1 20/1	0.01 0.01 0.08 0.10 <u>1.00</u>	Abpash. -do- -do- -do-
6.	Ram Chander, Mahinder ss/o Tej Ram equal share.	Self	<u>Rectl.15</u> 2/2/1	0.04	Abpash.
7.	Ram Chander s/o Bhure.	Self	<u>Rectl.15</u> 7/2/1	0.05	Abpash.
8.	Sis Ram, Dhoop Singh ss/o Kanahya.	Self	<u>Rectl.6</u> 13/2/1 14/1/2/1	0.03 0.02 0.05	Abpash. -do-
9.	Pirbhu, Dharma ss/o Gopal in equal share.	Self	<u>Rectl.6</u> 17/2/1 18/1	0.04 0.04 0.08	Abpash. -do-
10.	Ramji Lal s/o Nand Lal 240 share, Ram Chander Mahinder ss/o Tej Ram 41 share, total 281 share.	Self	<u>Rectl.7</u> 11/1/1	0.02	Banjar Jadid
11.	Ram Chander, Mahinder ss/o Tej Ram equal share.	Self	<u>Rectl.15</u> 3/1	0.06	Abpash.

contd.....4

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12. Risal Singh, Ram
Kishan, Manohar Singh,
Nahar Singh ss/o Amar
Singh in equal share.

Self Rectl. 14
8/2/1 0.04
9/1/1 0.02
0.06

Abpash.
-do-

13. Gaon Sabha Bagrola

Maq buja Rectl. 7
Gaon Sabha. 11/2/1 0.03
18/2/1 0.03
19/1 0.08
35 2.12
36 3.06
37/1 3.06
38 3.00
39/1 3.00
13.01

Banjar
G. Abpash
-do-
G.M. Rasta.
-do-
-do-
-do-
-do-

CLAIMS & EVIDENCE:

Sl. No.	Name of the claimant	Kh. No.	Area	Rate claimed	Evidence
1.	Shri Ram Chander, Mohinder ss/o Tej Ram Anshi s/o Singha, Prabhu s/o Gopal, Dhama s/o Gopal Bhagwana, Ram Chander ss/o & Smt. Chandro, Bharto, Santra ds/o Abhey, Bhagwana (insant) through his real brother, through H.S. Yadav, Advocate.	-	-	Rs. 15/- per sq. yd. Interest; 15% solatium. Severance charges. Cost of litigation & relief.	Nil
2.	Gaon Sabha, Bagrola through - Shri Ram Chander, Pradhan.	-	-	-do-	-do-
3.	Ramji Lal s/o Nand Lal	Rectl. 7 11/1/1	0.02	Rs. 10/- Per sq. yd. solatium & interest.	Nil
4.	Puran s/o Chhibha	Rectl. 14 11/1 12/1 13/1 Rectl. 15 6/2/1	0.08 0.08 0.06 0.04 1.06.	-do-	Nil
5.	Puran s/o Nanda, Balbir Singh, Sho Narain Jagrem ss/o Pen Raj through S hri K.R. Solarki, Advocate.	Rect. 8 21/1 Rectl. 15 1/1/1 2/1/1	0.01 0.12 0.04	-do-	Copy of sa deed No. 67 dt. 7.10.63
6.	Sis Ram s/o Kanahya 1 1/2 share.	Rectl. 6 13/2/1 Rectl. 14 14/1/2/1	0.03 0.02 0.05	-do-	Nil
7.	Bhagwana s/o Nathan.	Rectl. 6 16/1 17/1/1	0.04 less than 1 biswa.	-do-	Nil
8.	Ram Chander s/o Bhare.	Rectl. 15 7/2/1	0.05	-do-	Nil

contd.....5

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Market Value

The market value of the land under acquisition is to be determined with reference to the date of notification u/s 4 i.e. dated 26.2.1976.

In determining the market value of the land, previous awards for similar land with the same material date and sale transactions of land similarly circumstanced on or about the material date in the village are taken into consideration. In this village, following awards have so far been made:

Award No.	Date of notification	U/s 4	Rate awarded by the LAC.
1835	29.9.1964	Block 'A'	- Rs.700/- Per bigha.
		Block 'B'	- Rs.400/- Per bigha.
		Chahi	- Rs.1155/- Per bigha.
2105	1.1.1966	Rosli	- Rs.770/- Per bigha.

The material date in award No.1835 is about 12 years before the relevant date in the present case. Similarly it is about 10 years in case of award No.2105. Therefore, these awards do not offer any help in the fixation of market value in the present case.

Shri P uran etc. the persons interested produced an attested copy of sale deed No.6788 dated 7.10.1969 in evidence. An area measuring 5.00/ of village Bagrola was sold for a sum of Rs.50,000/- vide this sale deed. Inquiries made through the field staff reveal that large scale acquisition was planned in the area for extension of Mam Airport. The persons interested got wind of the same and they got the sale deed executed with inflated rate. The date of execution of this sale deed is also about 6½ years prior to the material date in the present case. In view of this sale deed produced in evidence by the persons interested does not reflect the true market value of the land prevailing in the area at the time of preliminary notification i.e. 26.2.1976.

contd.....6

Record in the office of the Sub Registrar, New Delhi in respect of this village was consulted. No sale transaction has been found recorded during the year 1975-76 and 1974-75. A solitary sale transaction regd. No. 5315 dated 4.9.73 in respect of agricultural land in the village came to notice. An area measuring 15.04 bighas was sold for a sum of Rs. 44080/- in this case fetching an average sale price Rs. 2900/- per bigha. No further sale transaction came to notice having been executed upto 26.2.1976. In view of the above observations, this sale deed offers the best guide in arriving at the fair market value prevailing in the area in the present case. I consider a rate of Rs. 2900/- per bigha fair and reasonable for the land classified as Abpash (4.12), Gair Abpash (2.02), Banjar Jadid (0.05) total area (6.19) and award the same accordingly.

There is also land measuring 12.07 bighas classified as Gairmunkin Rasta which is in the common public use and in the ownership of Gaon Sabha Bagrola. No compensation is assessed for the same.

OTHER COMPENSATION.

There is no structure, well, or tree on the land under acquisition.

SOLATUM:

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

POSSESSION & INTEREST.

Possession over 19.06 bighas of land was taken on 24.9.76 u/s 17 of the L.A. Act. The persons interested are entitled to interest @ Rs. 6% per annum from the date of possession till the date of tender of payment.

APPORTIONMENT:

Payment will be made according to the latest entries in the revenue record. In case of dispute which is not settled in a reasonable time between the parties, the amount of

compensation will be remitted to the court of u/s 30-31 of L.A. Act for adjudication of title.

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LAND REVENUE:

The land under acquisition is assessed to land revenue of Rs.1.95 P which will be deducted from the Rent Roll w.e.f. Rabi 1977.

SUMMARY:

The award is summarised as under:

1. Market value for land measuring 6 bighas 19 biswas @ Rs. 2900/- per bigha. = Rs. 20,155.00
2. Market value for land measuring 12 bighas 07 biswas (Gairmunkin Rasta). - Nil -
3. 15% solatium on the market value of land. = Rs. 3,023.25
4. Interest @ 6% per annum on the amount i.e. Rs. 23,178.25 P.w.e.f. 24.9.1976 to 31.3.77 (189 days only). = Rs. 720.11

and
G. Total: = Rs. 23,898.36

(Rupees twenty three thousand eight hundred ninety eight & paise thirty six only).

(N.C. Ray)
Land Acquisition Collector (MSW)
Delhi.

M. T. L. A.
30/3/77

Announced
4/5/77

कार्यवाही का बजा दिनांक 24/9/76

185

आज दिनांक 24/9/76 को बहुरूप जनाब प्रमि अधिकृत अधिकारी (MSW) बराये बराये देन कब्जा ग्राम बागडौला जिसका जेडिफिकेशन नं. 4, 6 व 17

No. F. 7(46)/72-243/(i), (ii), 4(iii) दिनांक 26/2/1976 है बहमराही श्री अर्पवीर सिंह को नूनजो. L.A. व श्री प्रहससस्य पटवारी L.A. के साथ मौके पर पहुँचा। मौके पर Acquiring Department की तरफ से श्री T. H. Pande, S.O. Flood Control, Division No. I व श्री कान्तिप्रसाद बेलदार हाजिर मिले। इस प्रकार कार्यवाही कब्जा शुरू किया गया। पटवारी हल्का बवजह कार सरकार मौके पर हाजिर नहीं मिला। वास्तेदारान में से कोई भी हाजिर नहीं मिला। श्री T. H. Pande, S.O. साहब को भूमि

अधिकृत के नम्बरान खसका $\frac{6 \text{ Rect}}{12/1}$, 13/1/1, 13/2/1, 14/1/1, 20/1, 10-1 10-1 10-3 10-2 10-10

19/1, 18/1, 17/2/1, 17/1/1, 16/1, $\frac{7 \text{ Rect}}{11/1/1}$, 11/2/1, 19/1, 18/2/1, 10-8 10-4 10-4 कमजबिरवा 10-4 10-2 10-3 10-8 10-3

18/1/1, 17/2/1, 17/1/1, 25/1, $\frac{8 \text{ Rect}}{21/1}$, $\frac{15 \text{ Rect}}{11/1/1}$, 21/1/1, 21/2/1, 10-6 10-5 10-3 10-8 10-1 10-12 10-4 10-4

$\frac{15 \text{ Rect}}{3/1/1}$, 7/2/1, 6/2/1, $\frac{14 \text{ Rect}}{11/1/1}$, 12/1, 13/1, 9/1/1, 8/2/1, 10-6 10-5 10-4 10-8 10-8 10-6 10-2 10-4

35 Rect, $\frac{36 \text{ Rect}}{1}$, $\frac{37 \text{ Rect}}{1}$, 38 Rect, $\frac{39 \text{ Rect}}{1}$, कुल रकबा (2-12) (3-6) (3-6) (3-0) (0-3)

तादादी Big Big का कब्जा कोई हासिल करके श्री T. H. Pande साहब को कब्जा दे दिया गया है। मौके पर बजरिये पीठा पैसाइश करके निशानात खसका लगवा दिये गये हैं। मौके पर बवक्त कार्यवाही कब्जा किसी किसम की कोई मुजाहमत दर पेश नहीं आई। मौके व देह-हजा में बजरिये बआवाज बुलन्द इत्य अमर की मुशतही व मुनादी श्री कान्तिप्रसाद बेलदार से करा दी गई है। एक नकल कब्जा कार्यवाही की शरफत तहसील दास्साहब महारौली बराये अमलदरा मद कागजात माल जिनवाही जानी मुनासिब है। अब कार्यवाही कब्जा हर लिहाज से मुक्कमिल हो चुकी है।

कान्ति प्रसाद
24/9/76

लिहले
T. H. Pande
24/9/76

अधिकृत
24/9/76

Diagay
24/9/76

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

26 Feb. 1976.

O.F.7(45)/72-L&B/(11):- Whereas the Lt. Governor, Delhi is satisfied that land is required to be taken by Government at the public expense for a public purpose, namely, for the construction of Bagroli Drain, it is hereby declared that the land described in the specification below is acquired for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector of Delhi is hereby directed to make order for the acquisition of the said land.

A Plan of the land is attached.

: SPECIFICATION :

Area	Big. Bis.
10-	03

Field Nos.

5min, 6min, 7min, 8min,
 9min, 10min, 11min, 12min,
 13min, 14min, 15min, 16min,
 17min, 18min, 19/1min,
 19/2min, 58/1min, 58/3min,
 59min,.

Toghanpur. 4 - 12

Rect.No.

36
 37

Kh.Nos.

20min.
 16min, 17min,
 18min, 19min.

contd...

Sub b.
 T. (M)

Contd. from page-1.

Name of the Village.	Area Big. + Bis.	Rect. No.	Khasra Nos.
3. Bagrola.	21 - 06	6	12min, 13min, 14min, 15min, 16min, 17min, 18min, 19min, 20min,
		7	11min, 17/1min, 17/2min, 18min, 19min, 25min,
		8	21min.
		14	8min, 9min, 10min, 11min, 12min, 13min,
		15	1/1min, 2min, 3min, 7/1min, 7/2min, 6min, 6/1min, 6/2min,
		35	
		36	
		37min.	
		38	
		39min.	

By order,

Sd/-
(KRISHNA PRATAP)
DEPUTY SECRETARY (I&B)
DELHI ADMIN. DELHI.

No.F.7(46)/72-I&B/ 4789

Dated the 19/26 Feb.76.

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5. The Tehsildar (Land & Bldg.)
6. All Sub-Registrar, Delhi/New Delhi/Shahdara.
7. P.A. to Deputy Secretary. (Land & Bldg.)

compared
P. K. Singh
24/2/76

Attested True copy

(K. L. Chopra)
L. A. C. (Circu)
J. Sub. 6. Delhi

Sd/-
(KRISHNA PRATAP)
DEPUTY SECRETARY (I&B)
DELHI ADMIN. DELHI.

(TO BE PUBLISHED IN PART IV OF DELHI GAZETTE)

DELHI ADMINISTRATION: DELHI
: NOTIFICATION:

26 February 1976.

F.7(46)/72-LAB(i):- Whereas it appears to the Lt. Governor, Delhi, that land is likely to be required to be taken by Government at the public expense for a public purpose, namely for the Construction of Bagrola Drain, 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 work men 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 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:

Name of the Village.	Area		Field Nos.
	Big.	Bis.	
1. Sahupur.	10	03	5 min, 6min, 7min, 8min, 9min, 10min, 11min, 12min, 13min, 14min, 15min, 16min, 17min, 18min, 19min , 19/1min, 19/2min, 58/1min, 58/3min, 59min, .
2. Toghampur.	4	12	<u>Rect No.</u> 36 37
			<u>Kh. Nos.</u> 20min. 16min, 17min, 18min, 19min.

contd..

8/2/76.
N.T. (H)

Contd. from page-1.

Name of the Village.	Area. Big. - Bis.	Rect. No.	Khasra Nos.
3. Bagrola.	21 - 06	6	12min, 13min, 14min, 15min, 16min, 17min, 18min, 19min, 20min,
		7	11min, 17min 17/1min, 17/2min, 18min, 19min, 25min,.
		8	21min.
		14	8min, 9min, 10min, 11min, 12min, 13min,
		15	1/1min, 2min, 3min, 7/1min, 7/2min, 6/1min, 6/2min,
		35	
		36	
		37min.	
		38	
		39min.	

By order,

sd/-

(KRISHNA PRATAP)
DEPUTY SECRETARY (I&B)
DELHI ADMN. DELHI.

P.7(46)/72-I&B/ 4772

Dated the 15/26 feb.76,

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- All sub-Registrars, Delhi/New Delhi/Shahdara.
- P.A.to Deputy Secretary. (Land & Bldg.).

Compared

Booked
15/26

Attested True Copy

(K.L. Chopra)

L.A.C. (msw)

Sp Delhi.
8/2/76.

sd/-

(KRISHNA PRATAP)
DEPUTY SECRETARY (I&B)
DELHI ADMN. DELHI.