

AWARD NO.

17/73-74

Name of the village.

Basai Darapur.

Nature of acquisition.

Permanent.

Purpose of acquisition.

Planned Development of Delhi.

INTRODUCTION

This is a case for acquisition of land required by the government at the public expense for a public purpose namely for Planned Development of Delhi. The general notification u/s 4 covering also the land under acquisition was issued vide notification No.F.15(245)/60-LSG/L&H dated 24.10.61 for 16,000 acres of land. Notice u/s 4(1) was given due publicity and objections were invited. Report u/s 5-A was sent to Delhi Administration alongwith objections in original. Thereafter the Administration issued a declaration u/s 6 for 699 bighas 07 biswas vide notification No.F.4(35)/65-L&H(ii) dated 6.1.1969. Notices u/s 9 & 10 of the L.A. Act were issued and served on the most of the interested parties, who filed claims.

MEASUREMENT & OWNERSHIP

According to notification u/s 6 the total area was 699 bighas 07 biswas but at present 9-08 biswas of land is being acquired under instructions from Delhi Administration. The remaining area will be acquired through a supplementary award on receiving instructions from the Delhi Administration. From further verification made by the field staff on the spot the area of land under present acquisition comes to 9 bighas 08 biswas which is held to be correct. The details of the land under present acquisition are as under:-

<u>Kh.No.</u>	<u>Area</u>	<u>Kind of land</u>
1428/2	0-07	Banjar Qadim
3696/2449/1429/2/1	1-03	-do-
3618 /1450/1430/2	0-09	-do-
3621/1433/2/1	0-10	-do-
3622/1434/1	0-08	-do-
3573/2543/2297/2/1	2-03	G.M.Factor
2247/2/1	1-08	Road
2248/1	0-01	

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2249/2/1	1-06	Banjar Qadim
3570/2331/2/1	0-04	G.M.Factory.
3571/2331/2/1	1-02	Banjar Qadim
2300/1	0-06	-do-
1439/2/1	0-1	-do-
Total:-		<u>9-08</u>

CLAIMS

The following persons have filed claims:-

Sr. No.	Name of the claimant	Amount claimed.
1.	Sh.Om Parkash Gulati s/o Tekan.	Rs. 100/- per sq.yd.
2.	Sh.Mohan Lal s/o Bhagwana	Rs. 200/- per sq.yd Rs. 8000/- levelling charges, Rs.5000/- for drive-way, Rs.1,00,000/- due to loss of business, Rs. 1000/- for electric fittings.
3.	Sh.Dalip Singh s/o Sh. Shanker Lal	Rs. 200/- per sq.yd Rs. 21,00/- for structures Rs. 1000/- electric fittings.
Note: Kh.No. 3665/2524/225 for which he has filed claim is not being acquired.		
4.	Sh.Chuni Lal Kapoor s/o Sh. Gobind Sahai and Sh.Baldev Kapoor son of Sh. Chuni Lal Kapoor	Rs. 100/- per sq.yd. Rs. 2,64,000/- loss of income. Rs. 1,00,759.16 for structures. Rs. 50000/- for good-will loss of business.
5.	M/s Bharat Builders and Colonisers, Asaf Ali Road, Delhi.	Rs. 100/- per sq.yd Rs. 50,000/- for good-will
6.	Sh.Chander Bhan, Khazan Singh, Harkesh, Ram Kishan, Bal Ram, Om Parkash sons of Sh.Abhay Ram.	Rs. 50/- per sq.yd.
7.	Sh.Jai Ram Singh, Advocate s/o Late Sh.Uday Ram.	Rs. 70/- per sq.yd Rs. 20,000/- for injurious affection of land Rs. 20,000/- for structures.
8.	Sh.Om Parkash and Ved Parkash	Rs. 4,000/- for the land Rs. 1500/- for wall Rs. 200/- per sq.yd
9.	Sh.Nakul Bir Sawhney, Advocate..	Rs. 200/- per sq.yd Rs. 30,000 for affection of land Rs. 20,000/- for structures.

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EVIDENCE

The following evidence has been filed.

Sr. Name of the No. producer	Document
1. (i) Sh. Chhuni Lal Kapoor	Statement of measurement of the buildings and abstract of of cost of building prepared by Ravi and Associates, Architects & Engineers.
(ii) -do-	Copy of plan prepared by Ravi and Associates.
2. (i) Sh. Mohan Lal.	Attested copy of judgement in L.A. Case No. 111/1968 Khushi Ram etc. Vs. Union of India decided on 23.3.68 by Sh. G.R. Luthra, A.D.J., Delhi.
(ii) -do-	Attested copy of sale deed dated 4.4.1960
(iii)	Attested copy of judgement in L.A. Case No. 1068/62 Sardar Jodha Singh Vs. Union of India decided on 1.4.66 by Shri Hans Raj, A.D.J., Delhi.

MARKET VALUE

The land under acquisition is situated along the Ring Road and opposite approved colony, Rajouri Garden. It is adjacent to developed colonies of Ramesh Nagar & Bank Enclave. The market value of land under acquisition is to be assessed on the date of notification u/s 4 i.e. 24.10.61. Sale transactions and awards pertaining to similar land in the year 1961 have to be looked into. Following awards are reported to have been made in respect of land notified u/s 4 in 1961.

Award No.	Date of notification u/s 4	Rate awarded by LAC
1166	21.1.61	3000/- per bigha and 500/- per bigha.
1168	10.1.61	3000/- per bigha.
1220	7.1.61	3000/- per bigha.

All these awards relate to acquisition of land for Najefgarh drain and the land acquired therein is situated far away from the land and is situated near the northern end of this village whereas land under present acquisition is situated in the southern end of this village. These awards are therefore, excluded from consideration in the present case.

The claimants have filed copies of judgement in L.A. Case No. 111/1968 Khushi Ram etc. Vs. Union of India decided on 23.3.68 and in L.A. Case No. 1068/62 Sardar Jodha Singh Vs. Union of India decided on 1.4.66. Both these decisions refer to land notified u/s 4 on 9.9.1957. In both these cases the A.D.J. Delhi enhanced the market value of land from Rs. 3500/- per bigha awarded by L.A.C. in award No. 1272 to Rs. 8000/- per bigha. These decisions fix the market value of land on 9.9.57, 4 years prior to the date of present notification u/s 4. They cannot reflect the market value of land in 1961 and cannot be taken into account more so when sale transactions of similar land are available. The claimant has also filed a copy of sale deed dated 4.4.60 but it does not disclose the area of land, Kh.No. etc. This is, therefore, excluded from consideration. There are number of sale transactions in this village during the year 1961 but the following sale transactions are more relevant in the context of present acquisition.

Sr. No.	Mutation No.	Date of Sale deed	Kh.No.	Area	Consideration money.	Average per bigha
1.	2646	14.4.61	1434/2 1439/2	5-11	Rs. 30,710/-	Rs. 5533.20
2.	2647	16.5.61	1439/2	0-04	Rs. 1395/-	Rs. 6875.00

Both these sale transactions relate to Kh.Nos. part of which is being acquired at present. Sale transactions of the same land under acquisition in the

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relevant year are best piece^u of evidence regarding the market value of land. The average of the above mentioned two sale transactions comes to Rs. 5600/- per bigha but these Kh. Nos. do not abut on the Ring Road. I, therefore, consider the market value of land under acquisition not abutting on the Ring Road at the rate of Rs. 5600/- per bigha fair and reasonable and award the same for Kh.No. mentioned below :-

1.	1439/2/1	0-01
2.	3622/1434/1	0-08
3.	2300/1	0-06
4.	3621/1438/2/1	0-10
Total:-		<u>1-05 biswas</u>

The land measuring 8-03 biswas in the remaining khasra numbers under acquisition abuts on the Ring Road and should be assessed at a higher rate. I consider a rate of Rs. 7000/- per bigha reasonable and fair for the remaining land measuring 8-03 biswas, which abuts on the ring road and assess the same.

OTHER COMPENSATION
STRUCTURE

There are some structures in khasra number 1429, 2247, 2249, 2300 and 2331 which are reported by the Naib Tehsildar to have been erected after the date of notification u/s 4. No compensation is therefore assessed. The owners can remove the material after the announcement of the award. There is a hand pump in khasra number 2300 and the owner can remove the same after announcement of the award.

The structures in khasra number 2297 existing before the date of notification have been evaluated at Rs. 21,900/- by the Assistant Engineer (Valuation) vide letter No. A.E.(V)/421/72 dated 4-7.72. The claimant has also filed an estimate prepared by Ravi and Associates, Architects for Rs. 1,00,759.16 paise. The estimate

filed by the claimant are very much exaggerated. He has worked out the cost on the basis of 1st class bricks whereas the Assistant Engineer(V) has found the brick work to be second class. The Architect has not indicated any where the basis of these rates whereas the Asstt. Engineer(V) has based the valuation on the schedule of rates 1955 with 14 % cost index. For these reasons I find the estimate of Asstt. Engineer(V) to be reasonable and accept the same. The cost of structure is assessed accordingly.

TREES

There are following trees on the land under acquisition which have been assessed by the Waib Talsildar.

Kh. No.	Kind of tree.	Weight in quintal	Rate per quintal	Amount
2248	Shoeshan	2 1	5/-	Rs. 5/-
	Kikar	3 1	5/-	Rs. 5/-
2297	Neem	8 12	5/-	Rs. 60/-
	Peepal	2 6	5/-	Rs. 30/-
Total:				<u>Rs. 100/-</u>

Some of the claimants have claimed damages on account of loss of income, loss of business or for goodwill. But they have not produced any evidence to prove the loss of business, loss of goodwill etc. No damages can therefore be assessed. Sarva Shri Jai Ram Singh & Nakul Bir Sawhney have claimed damages for injurious affectation of their remaining land which has been left from acquisition. The land under acquisition belonging to them is vacant. They have not led any evidence to show whether the remaining area in these Kh. Nos is in their possession & is not built up. Their contention that the remaining land cannot be used for construction purposes is not established. No damages by reason of severing such land from their

other land are assessed.

SOLATIUUM

15 % of the market value of the land will be paid in consideration of compulsory nature of acquisition.

APPORTIONMENT

Compensation will be paid according to the latest entries in the Revenue record. In case of dispute which is not settled amicably between the interested persons within a reasonable time the amount of compensation will be sent to the court of A.D.J.Delhi for adjudication of the title.

INTEREST

According to the provisions of Land Acquisition (Amendment & Validation), Act, 1967 simple interest @ 6 % p.a. is allowed on the market value of land from the date of expiry of three years after the date of notification u/s 4 i.e. 24.10.64 to the date of announcement of the award which is likely to be 3-7-73 as the declaration u/s 6 was made on 6.1.69.

SUMMARY OF THE AWARD

Market value of land measuring 8 bighas 3 biswas @ Rs. 7000/- per bigha.	Rs. 57,050-00
Market value of land measuring 1 bigha 5 biswas @ Rs. 5600/- per bigha.	Rs. 7,000-00
Market value for structure	Rs. 21,900-00
Market value for trees	Rs. 100-00
15 % as solatium for compulsory acquisition on the above market value	Rs. 12,907-50
Interest @ 6 % p.a. on the market value from 24.10.64 to 2.7.73	Rs. 44,868-59
GRAND TOTAL:	<u>Rs. 1,43,826-09</u>

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The land is assessed to land revenue of 0-69 paise which will be deducted from the rent roll of the village from the date when possession is taken over the land.

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B.M.L. Gaumat
(B.M.L. GAUMAT) 3.7.73
LAND ACQUISITION COLLECTOR(DS)
DELHI.

Announced & filed today

B.M.L. Gaumat
3.7.73
LAc(DS)

James M. Smith