

A W A R D No. 57/21-22

Name of the village: B A S A I D H A R A P U R

Nature of acquisition: Permanent.

Purpose of acquisition: Planned Development of Delhi.

A W A R D

These are proceedings for determination of compensation U/s 11 of the L.A. Act. The land under acquisition is situated in village Basaidharapur and was notified U/s 4 of the L.A. Act vide notification No.F.4(35)/64-L&H dated 20.3.67 for an area measuring 83 bighas 15 biswas for a public purpose namely for t Planned Development of Delhi. After considering objections U/s -A, the Delhi Administration issued a declaration U/s 6 of the L.A. Act for the acquisition of an area measuring 3 biswas vide notification No.F.4(35)/64-L&H dated 12.6.67. In pursuance of the above mentioned notifications, notices U/s 9 & 10 of the L.A. Act were issued to the persons interested and claims filed by them are discussed hereafter under the heading "COMPENSATION CLAIMS".

TRUE AND CORRECT AREA:

The land was measured on the spot by the Land Acquisition Field Staff and the available area found at the spot is as under

| Field No. | Area Big.Bis. | Classification of land according to revenue records |
|------------------|------------------|--|
| 3996/2496/1929/1 | 0 - 3 | G.M.Plot. |

COMPENSATION CLAIMS:

Sh.Kanshi Ram, Special Attorney of Shri Rattan Chand Sood Has claimed compensation as sole proprietor of the land under acquisition at the rate of Rs.100/-per sq.y.d.

DOCUMENTARY EVIDENCE:

The following documentary evidence was filed by the claimant in support of his claim:-

Regd. Sale deed No.4846 dt. 13.12.51 for an area measuring 88 bighas 3 biswas on a consideration of Rs.2,37,500/-.

Contd....2/-

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MARKET VALUE:

The material date for the determination of the market value is the date of notification U/s 4 of the L.A. Act. One of the recognized method of valuation of land acquired under this act is the price paid within reasonable time in bonafide transaction purchase of land acquired or of the lands adjacent to the land acquired and possessing similar advantages. Sales of neighbouring land could thus always be relevant but their probative value could depend upon several such circumstances viz whether the price obtained in such sale represented the proper market value of that property under acquisition. The rate of compensation as claimed by the claimant is almost speculative and conjectural without any corroborative evidence, whatsoever. Sale deed No. 4846 as cited by the claimant pertains to the year, 1951 and has therefore, no relevance with the material date under reference.

There have been a number of awards in this village but by far the land covered in award No. 33/1969 is nearest to the land under acquisition. In this award a chunk of land mostly abutting on the Ring Road was acquired and the Land Acquisition Collector after considering judicial adjudications awarded a rate of Rs. 4500/- per b. But this award bears no relevancy as its material date is 13.11.59 whereas the material date in the instant case is 20.3.67 thereby making a gap of more than 7 years. It would thus appear that there are no awards or judicial adjudications nearer to the material date which could have been helpful in arriving at the market value of the land.

With a view to arrive at the fair market value of the land the various sale transactions as recorded in the record-of-right were examined. There have been a large number of sale transactions in village Basaidharapur both preceding ^{and after} the date of notification. However, by and large the following sale transactions being in close proximity to the land under acquisition are relevant in determining the market value of the land.

| S.N. | Mutation No. | Date of regn. | Area Big.Bis. | Consideration money. | Average per bigha. |
|------|--------------|---------------|---------------------|----------------------|--------------------|
| 1. | 3426 | 29.7.66 | 0 - 6 $\frac{1}{2}$ | Rs. 7000/- | Rs. 21538/- |
| 2. | 3437 | 22.7.66 | 0 - 7 | Rs. 7500/- | Rs. 21428/- |
| 3. | 3428 | 22.7.66 | 0 - 7 | Rs. 7500/- | Rs. 21428/- |
| 4. | 3448 | 22.9.66 | 0 - 7 $\frac{1}{2}$ | Rs. 6000/- | Rs. 16000/- |
| 5. | 3484 | 4.10.66 | 0 - 8 | Rs. 15000/- | Rs. 37500/- |
| 6. | 3513 | 25.2.67 | 0 - 6 | Rs. 9000/- | Rs. 30000/- |
| 7. | 3529 | 30.3.66 | 0 - 4 | Rs. 4400/- | Rs. 22000/- |

Mutations at S.Nos. 5, 6 & 7 are not relevant as they are at reasonable distance as compared to the land covered in mutations No. 1 to 4. It therefore, transpires that the land as covered in mutations No. 1 to 4 being much closer to the land under acquisition are good guides in arriving at the

Contd.....3/-

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market value of the land. But in all these 4 transactions, mutation at S.No.4 is by far the most relevant guide as from local enquiry it has been confirmed that the distance between the two lands is the shortest as compared to the lands involved in the remaining 3 sale transactions at S.No.1 to 3 ^{since} ~~as~~ both the land abut on the Ring Road and that the time gap between the execution of the sale deed and the material date in the instant case is the nearest. In view of these considerations, I rely on mutation at S.No.4 ^{as} ~~and~~ its land is similarly conditioned and circumstanced and fix the market value of the land at the rate of Rs.16000/-per bigha kham.

TREES WELLS AND OTHER STRUCTURES: NIL

APPORTIONMENT:

The compensation will be paid on the basis of the latest entries in the revenue record.

15% SOLATIUM:

15% solatium is payable over and above the market value so assessed.

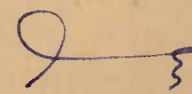
LAND REVENUE DEDUCTION:

No land revenue is assessed on the land under acquisition and hence the question of remission of land revenue does not arise

SUMMARY OF THE AWARD:


The award is summarised as under:-

| S.N. | Area Big.Bis. | Rate per bigha. | Amount of compensati |
|------|------------------|-----------------|----------------------|
| 1. | 0 - 3 | Rs.16000/- | Rs.2400/- |
| 2. | 15% solatium. | | Rs. 360/- |
| | | Total | Rs.2760/- |


(G. BAHADUR)

LAND ACQUISITION COLLECTOR(ME):DELHI.

Announced & filed today


29.4.71

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to the
The attorney of
Sh. Rattan Chud Sood
29/4/71

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(A.C. MC)

(9)
TO BE PUBLISHED IN PART IV OF THE DELHI GAZETTE)
DELHI ADMINISTRATION: DELHI.
NOTIFICATION.

Dated the _____ March, 1967.

No.F4(35)/65-L&H:- Whereas it appears to the Lieutenant Governor, Delhi that land is likely to be required to be taken by the Government at the public expense for a public purpose, namely, for the planned development of Delhi, it is hereby notified that the land in the locality described below is likely to be required 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 Lieutenant Governor is pleased to authorise the officers for the time being engaged in the undertaking with their workmen to enter upon and survey any land in the locality ~~xxxxx~~ and do all other acts required or permitted by that section.

Any person, interested, who has any objection to the acquisition of any land in the locality may within 30 days of the publication of the notification file objection in writing before the Collector of Delhi.

SPECIFICATION

| <u>Village or Locality.</u> | <u>Area Big. Bis.</u> | <u>Field Nos. of Boundaries</u> |
|-----------------------------|-----------------------|---|
| Basai Darapur. | 88 - 15 | 3996/2496/1929, 2895/1930min, 2896/1931min, 3978/1932min, 3984/2500/1934/2/1, 3984/2500/1934/2/2. |

By Order,

Sd.

(Jagmohan)
Secretary (Land & Building)
Delhi Administration, Delhi.

No.F.4(35)/65-L&H

Dated The 20 March, 1967.

Copy forwarded to the;-

1. Public Relation Department, Delhi Administration (in duplicate) for publication in part IV of the Delhi Gazette.
2. Additional District Magistrate (Land Acquisition) Delhi.
3. Land Acquisition Collector (Delhi and Shahdara, Delhi).
4. Legal Adviser (Land & Building Department), Delhi.
5. Tehsildar (Land & Building Department), New Delhi.

Sd/-

(Jagmohan)
Secretary (Land & Building)
Delhi Administration, Delhi

LAC.