

AWARD NO. 141/86-57

NAME OF THE VILLAGE BAWANA
 NATURE OF ACQUISITION PERMANENT
 PURPOSE OF ACQUISITION CONSTRUCTION OF BUS STAND AND APPROACH ROAD.

These are proceedings for determination of compensation u/s 11 of the Land Acquisition Act, 1894 regarding acquisition of land measuring 03 Biswas in village Bawana at the public purposes namely 'Construction of Bus Stand & Approach Road' at the public expenses. Notification u/s 4 for the above area was issued by the Delhi Administration vide their No. F.7(36)/73-L&B(IV) dated 28.8.74. Subsequently notification u/s 6 bearing No. F.7(36)/73-L&B(V) dated 15.9.77 for the above mentioned area was issued. In pursuance of the declaration, notices u/s 9 & 10 of the L.A. Act were issued to all the interested persons to file their claims. The persons in response to the notices filed their claims which will be discussed under the heading "Claims".

MEASUREMENT :- The area under acquisition as given in the declaration u/s 6 is 0-03 Biswas only and was found to be correct at the time of measurement by the field staff.

CLASSIFICATION OF LAND

Details of Khassra Number and area is as under :-

Kh. No.	Area	Kind of land
		Built up
105/5min	8073sq. ft.	-do-
	4053sq. ft.	-do-
	12123sq.ft. or 135 Sq.yds. or 0-03 Biswas.	

CLAIMS

In pursuance of notices issued u/s 9 & 10 the following persons have filed their claims :-

S.No.	Name of the claimant	Claim	Remarks
1.	Goverdhan Singh S/o Sh. Bihari Lal R/o Vill. Bawana	1333sq.yd. Rs.23000/-for his property	Sale deed dt.20.7.72 for 123 sq.yds. for Rs.500/- for land. Plan of property Valuation report dt. 7.9.79 total value Rs.30,335/- including cost of land @Rs.100/- per sq. yds.
2.	Smt. Kailash Wati W/o Dhani Ram R/o Bawana	125 sq.yds. Rs.75000/- as compensation with any other	Sale deed dated 25.9.72 for Rs.1000/- for area of 125 sq. yd. Plan of property Valuation report date. 7. 7.9.79 total value shown as 44060/- including cost of land(113sq yd) @ Rs. 100/- per sq.yd.
3.	Smt. Sona Devi W/o Om Parkash R/o Vill. Bawana	183 sq.yd. Rs.43000/-as compensation with any others relief.	sale deed dated 13.11.72 for Rs.1000/- for an area of 163 sq.yd. kh. No.105/

.....P/2-

Plan of property
Valuation report dated 7.9.79
total value shown as 27375/-
including cost of land @Rs.100/-
per sq. yd. for 167 sq.yd.

4. Pradhan Gs. Bawana Kh.No. 105/5, 5/2 No evidence.
5/3, 5/4 is gaon
sabha land and the
same is vested in
Gaon Sabha. Claims
Compensation @Rs.400/-
per bigha.

MARKET VALUE :-

The market value of the land is to be determined after keeping in view the situation, advantages and potentialities attached to the land on the date of notification u/s 4 of the Land Acquisition Act. The land used is also to play an important role in deciding the market value of the land. The claimant have produced the documentary evidence i.e. sale deed and valuation report of structures which was prepared by the claimant ~~taxxx~~ privately by Shri R.R.Nagpal, Architect Engineer & ~~taxxx~~ valuer. The private valuation report has no reliance.

There is ~~no~~ sale transaction made in this village near the date ~~is~~ of notification u/s 4 But there are following awards which were drawn :-

S.No.	Award No.	Notification U/s 4	Rate assessed
1.	2185/29.11.68	F.15(54)/67-L&H dated 18.9.67	Rs.500/- per bigha
2.	2233/28.3.69	F.15(35)/68-L&H dt. 25.5.68	Rs.660/- per bigha.

The LAC has awarded @ Rs.450/- and Rs.400/- per bigha in Offer No. 1961. The Delhi High Court in CM(M)10(M) of 1971 Jai Lal Vs. U.O.I. decided on 3.11.1981 relied on the instances of S.T. relating to the sale of land of village Bawana held that the compensation at the rate of Rs.5000/- per bigha was payable for the land of village Daryapur as acquired alongwith the land of village Bawana. The date of notification u/s 4 in this case is 24.10.64.

Taking into consideration of Delhi High Court's judgement dated 3.11.1981 and orders of ADJ in case No. 27/68 U.O.I. Vs. Jodha Ram, Award No. 1961 village Bawana enhanced the compensation @ Rs.5000/- per bigha on the basis of judgement of Delhi High Court dated 3.11.81.

There is a difference between the two notification u/s 4 in the present proceedings and award No. 1961 is about 10 years. Whereas the LAC has drawn the above mentioned award @ Rs.500/- & 660/- per bigha in these two awards the date of notification is 18.9.67 and 25.5.68. These awards were announced before the decision of Delhi High Court dated 3.11.81.

Taking into consideration the judgement of Delhi High Court dated 3.11.1981 and Award No. 2185 & 2233, I think it would be fair and reasonable if I assess the market value of land in the present proceedings at rate of Rs.5000/- per bigha on the basis of Delhi High Court Judgement, dated 3.11.1981. & accordingly awarded ~~thexx~~ same.

OTHER COMPENSATION :-

There are three structures exist on the land under acquisition. A valuation report of the structures is done, for 1974 as per year of notification issued u/s 4 of the L.A. Act, by Shri Ram

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Kumar, Surveyor of Works I/II, PWD(DA) New Delhi vide letter No. SSW(DA)/SWI/I/Vol./38/556 dated 1.11.1983 as under :-

- | | |
|----------------------|------------|
| 1. Shri Goverdhan | Rs. 1270/- |
| 2. Smt. Kailash Wati | Rs. 4500/- |
| 3. Smt. Sona Devi | Rs. 1200/- |

The valuation report is however without the cost of land.

SOLATUM :-

30% solatium is payable on the market value so as assessed

ADDL. MARKET VALUE U/s 23(1-A)

The interested persons are entitled for additional market value of the land @ 12% p.a. from the date of notification to the date of possession of land or the date of announcement of award which ever is earlier i.e. 28.8.74 to 27.8.86 (22 years)

INTEREST U/s 4(3) of the L.A. Act

The interested persons are entitled to get the interest u/s 4(3) @ 6% p.a. ~~from the date of notification~~ after the expiry of three years of the issuance of notification u/s 4. The interest is payable w.e.f. 28.8.74 to the announcement of the award i.e. 22.8.86 (19 years).

LAND REVENUE :-

The land revenue worked out to Rs. 0.06P. which will be deducted from the Khatauni w.e.f. taking over the possession

APPORTIONMENT :-

Payment will be made on the basis of the latest entries in the revenue record. In case there is any dispute the payment shall be made after amicable settlement between the parties failing which the matter shall be referred to the court of A.D.J. for adjudication u/s 30-31 of the L.A. Act.

SUMMARY :-

The award is summarized as under :-

- | | |
|---|---------------|
| 1. Market value of the land measuring 0-03 Biswas @ Rs. 5000/- per bigha. | Rs. 750-00 |
| 2. 30% solatium | Rs. 225-00 |
| 3. Addl. amount @ 12% p.a. from the date of notification u/s 4 to the date of announcement of award i.e. 28.8.74 to 27.8.86 (22 years) | Rs. 1,980-00 |
| 4. Interest u/s 4(3) @ 6% from the date of expiry of three of notification u/s 4 to the date of announcement of award i.e. 28.8.77 to 27.8.86 (19 years). | Rs. 855-00 |
| 5. Compensation for structures | Rs. 6,970-00 |
| Grand total | Rs. 10,780-00 |

(Rupees Ten thousand seven hundred eighty only).

In case Secretary (Revenue) agrees with the above market value, he may approve the award.

APPROVED

SECRETARY (REVENUE) : DELHI.

S. A. GEHANI
(S. A. GEHANI)
LAND ACQUISITION COLLECTOR (N) : DELHI.

Announced in the open Court today
19.9.86