

Supplementary award No. 1755 A

Name of the village: BER - SARAI.
Nature of acquisition: Permanent.
Purpose of acquisition: Planned Development of Delhi.

A W A R D

This supplementary award is being drawn up for the acquisition of an area measuring 13 biswas situated in village Ber Sarai. This land was left out of acquisition from the original award No. 1755, notified U/s 4 of the Land Acquisition Act vide Notification No. F.15(111)/59-LSG dated 13.11.59 and No. F.1(13)/62-L&H dated 6.1.64 U/s 6 of the Land Acquisition Act. The requiring department has now moved that the aforesaid land be acquired as they need it for their project.

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 follows:

Field No.	Area Biswas	Kind of soil.
80/1	0 - 13	Abi.

COMPENSATION CLAIMS:

Shri Richhpal, Moti, Jali, & Pokhar etc have claimed compensation at the rate of Rs. 100/- per sq. yd. They have also claimed compensation for the constructions including Rs. 5000/- for the temple built on the land.

MARKET VALUE

The market value to be ascertained is the value to the owner of the land in its actual condition at the date of publication of notification U/s 4 of the Land Acquisition Act with all its advantages and with all its potentialities. By market value is reckoned the price which a willing vendor might reasonably expect to obtain from a willing purchaser for the land in that particular position and with these particular potentialities. The best evidence available to

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prove what a willing purchaser would pay for the land under acquisition would be evidence of genuine sales affected about the time of notification. In determining the market value of the land on the basis of sales of other lands, the question of similarity between the two lands must be actually parallel. All the claimants in this case, has put forth exorbitant and almost fancy claim regarding the market value of the land without corroborative evidence, whatsoever.

In award No. 1755, the Land Acquisition Collector awarded a flat rate of Rs. 2000/- per bigha kham. The award gives detailed description of the various awards announced in the village along with the amount awarded. As against award No. 947, the material date of which was 10.1.59, the Addl. District Judge in L.A. Case No. 137/61 in his judgment dated 13.9.62 enhanced the compensation amount to Rs. 2000/- per bigha. Further as against award No. 1094, the material date of which was 18.8.60 the Addl. District Judge in L.A. Case No. 430/64 in his judgment dated 15.5.64 enhanced the compensation to Rs. 2500/- per bigha kham. In view of the various awards given and the judgments of the Addl. District Judge in the aforesaid cases, I am inclined to assess the value of the land at the rate of Rs. 2000/- per bigha kham as awarded in original award No. 1755.

TREES:

There is one Neem tree which existed before the notification. The Naib-Tehsildar has assessed its value at Rs. 15/- to which I agree and award the same accordingly.

WELL:

There is one well built with stones and a small tank adjoined to it. The age of the well is approximately about 25 years. The Naib-Tehsildar has assessed the depreciated value of well along with a tank adjoined to it at Rs. 3400/- to which I agree and award the same accordingly.

DAMAGES U/S 23(C) CLAUSE SECONDARY:

There are some trees planted after the date of notification. The Naib-Tehsildar has assessed the damages at Rs.5/- to which I agree and award the same accordingly.

STRUCTURES:

There are number of shops and other miscellaneous structures including a temple built over in about a biswa on the land under acquisition. A close scrutiny of the Khasra Gardavari for the year, 1963 reveals that all these structures were made much after the preliminary notification. The owners are at liberty to remove these structures, for which no compensation is payable. There also exist a temple covering an area of about 1 biswa which was also built much after the notification. The claimants have claimed Rs.5000/- for this temple, for which they are not entitled as it was built after the notification and as such no compensation is awarded for it. The possession of this temple will be handed over after having consultation with the Housing Department.

There is one electric motor engine fitted on the well which was placed after the notification. The owners are at liberty to remove the engine for which no compensation is payable.

15% FOR SOLATUM:

15% is payable over and above the market value of the land.

INTEREST:

According to sub-section 3 of section 4 of the Land Acquisition (Amendment & Validation) Act, 1967, simple interest at the rate of 6% is payable after the expiry of 3 years from the date of publication of notification U/s 4. The preliminary notification was made on 13.11.59, and hence the interest is payable from 13.11.62 to Rs.8168.

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Appraisal

Payment of compensation will be made on the basis of the latest entries in the revenue records.

LAND REVENUE DEDUCTION:

The land Revenue of the original award No. 1755; has already been deducted in the acquisition.

The aforesaid land will vest absolutely in the government free from all encumbrances.

SUMMARY OF THE AWARD:

The award is summarised as under:-

S.No.	Area Big. Bis.	Rate per bigha 2000/-	Amount of compensation.
1.	0 - 13		Rs. 1300.00
2.	Add price of well & water tank.		Rs. 3400.00
3.	Add price of trees.		Rs. 15.00
		Total	Rs. 4715.00
4.	Interest from 13.11.62 to 18.12.63		Rs. 1630.93
5.	Add 15% solatium.		Rs. 707.25
		Total	Rs. 7053.18
6.	Damages in respect of trees U/s 23 (clause secondly).		Rs. 5.00
		G. Total	Rs. 7058.18 ✓

(G. BAHADUR)
LAND ACQUISITION COLLECTOR (ME) DELHI

ALL OF SOIL.

Big. Bis.