

AWARD NO.

28/85-86

57

NAME OF VILLAGE : BHARTHAL
 PURPOSE OF ACQUISITION : For Construction of Storage of Oil products.
 NATURE OF ACQUISITION : PERMANENT

These are the proceedings for acquisition of land measuring 1 bigha 15 biswas of Village Bharthal which is required by the Govt. at public expense for a public purpose namely Construction of Storage of Oil Products. The land under acquisition was notified u/s 4 vide notification No. F.7(63)/79-L&B(4) dated 6.11.1980 and declaration u/s 6 was made vide notification No. F.7(63)/79-L&B dated 23.12.82 after hearing the objections u/s 5-A of the Act. Notices u/s 9 & 10 of the Act were issued and served to the interested persons to enable them to file their claims. The claims filed by them are discussed under separate heading "Claims & Evidence."

MEASUREMENT & TRUE AREA

The land under acquisition was measured on the spot by field staff, the true and correct area comes to 01 bigha 11 biswas. There is a difference of 0-04 biswas between the land notified u/s 6 and the area available on the spot, because Khasra Nos. 53/26(0-2) and 61/29(0-2) are not covered under the present scheme. Details of the area available on the spot are as under :-

Rect. No.	Killa No.	Area Bighas-Biswas
53	27	0-02
60	26	0-03
	5 min	0-04
	27	0-04
	28	0-01
	22 min	0-04
59	21 min	0-02
61	4 min	0-02
	18 min	0-02
	26	0-02
	27	0-01

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28	0-01
26	0-01
27	0-02
Total:-	<u>1-11</u>

CLAIMS & EVIDENCE

<u>S.No.</u>	<u>Name of claimant</u>	<u>Kh.No.</u>	<u>Claim</u>
1.	Sh. Chandgi Ram s/o Nand Lal	53/27	Rs. 300000/- for Wells & other structure. Rs. 4000/- for tree Rs. 25,000/- P.B. for land and Instt. u/s 28.
2.	Pehlad s/o Chhotey	61/4 min	Rs. 25000/- P.B. for land. Rs. 300000/- for Wells & other structures & tree. Instt. u/s 28.
3.	Bhagwana s/o Roop Chand	61/27	Rs. 25,000/- P.B. for land Rs. 15,000/- Wells, tubewells & Structures & trees etc. Instt. u/s 28.
3.	Deep Chand s/o Bhagmal	61/26	-do-
4.	Ram Kishan s/o Bhola	60/22	Rs. 45000/- in all plus solatium & Instt.
N.B. :- S/Sh. Jai Lal, Sube Singh, Ram Narain & Ram Dhar have filed application that the compensation of Kh.No. 60/22 may be paid to Sh. Ram Kishan s/o Chandgi			
5.	Sarjeet s/o Deep Chand & Kanwar Lal s/o Deep Chand	60/5	Rs. 35000/- in all plus solatium & Instt.
6.	Ram Saroop s/o Dhan Raj	53/28	Rs. 42500/- in all plus solatium & Instt.
N.B. Kh.No. 53/28 has not been notified under the present notification.			
7.	Chand Ram s/o Badlu	61/28 61/18	Rs. 38750/- in all with solatium & Instt.
8.	Bhartu s/o Bhunda	59/21 60/27	Rs. 57,500/- in all with solatium & Instt.
9.	Ram Phal s/o Pisal	-	Rs. 55,000/- in all plus solatium & Instt.
10.	Rajender Singh s/o Ram Saroop	60/28	Rs. 31250/- in all with solatium & Instt.

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DOCUMENTARY EVIDENCE

The following documentary evidence were filed by S/Sh. Pehlad, Bhagwana, Deep Chand & Chandgi Ram claimants:-

1. Photostate copy of sale deed No. 3537 dated 25.7.80, in which Khasra Nos. 76/20 (3-07), 21(2-06), 85/26 (0-03), 7(0-10), 14(1-17), 15(1-00) total measuring 9 bigha 3 biswas situated in Village Bijwasan was sold @ Rs. 1,00,000/- per acre for land & Rs. 20,000/- for tube-well.
2. Photostate copy of sale deed No. 4868 dated 1.10.80. in which Kh.No. 86/4(4-00) and 7(4-00) situated in Village Bijwasan were sold for Rs. 1,00,000/-

MARKET VALUE

Market value of the land under acquisition is to be determined with reference to the date of preliminary notification u/s 4 i.e. 6.11.80. In assessing the market value of the land under acquisition, the material date, bonafide sale transactions of the land similarly circumstances as also the awards for similarly situated lands made with reference to the date of notification u/s 4 of the L.A. Act, are to be taken into consideration. For this purpose sale transactions made in this Village were consulted from the revenue record. It is reported that several sales transaction were taken place in this Village which are of very old date and others transaction relates to land which is very far away from the land in question.

The documents, produced by the claimants in evidence, are also not helpful for this purpose. because all the documents produced by them relates to another Village Bijwasan.

On the other hand it will be appropriate to look into the awards relating to this Village. Award No. 50/81-82 of this Village having the same date of notification u/s 4 as 6.11.80 is the most helpful factor in assessing the market

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value of the land in present case because the date of notification u/s 4, situation and potentiality of the land are the same in both cases.i.e. already acquired in award No. 50/81-82 and the land at present. The land at present is also a part of the scheme for which land has already been acquired vide award No. 50/81-82. In this award, the L.A.C. has assessed the market value of the land @ Rs. 7200/- P.B. for block A, Rs. 6000/- P.B. for Block B and Rs. 4000/- for block C. No decision as to enhancement has been made by court against this award, so far.

The land under acquisition is not abutted on the Railway Line and is not adjacent to Railway Line. I am of the opinion that Rs. 6000/- P.B. is just and reasonable market value of the land under acquisition and award the same accordingly.
STRUCTURES, WELLS ETC.

There are some structures on the land under acquisition. Valuation estimates were got from the P.W.D., Delhi Administration vide letter No. SSMII/SMI/DA/67/493 dated 12.10.84. The Surveyor of Works has estimated the Valuation of Structures vide letter No. as under :-

S.No.	Kh.No.	Value assessed by the PWD(DA)
1	61/4	Rs. 1960/-
2.	53/27	Rs. 34300/- ✓
3.	61/28	Rs. 1100/-
4.	68/27	Rs. 500/-
5.	60/27	Rs. 6000/-
Total:-		Rs. 43860/-

I have no option except to award the same compensation as assessed by the Surveyor of Works. Besides this there were some other structures on the land under acquisition on the date of notification u/s 4. But at the time of inspection no structure has been existed on the spot.

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TREES

There were some trees on the land under acquisition
I assess their compensation as under :-

<u>S.No.</u>	<u>Kh.No.</u>	<u>Name of tree</u>	<u>Weight</u>	<u>Compensation</u>
1.	61/27	1 Shehtoot	2 Qtls.	Rs. 60/-
2.	61/4	1 Sheesam	2 Qtls.	Rs. 60/-
3.	53/27	1 Sheesam	30 Qtls.	Rs. 1350/-
		1 Shahtoot	15 Qtls.	
4.	68/26	One Shehtoot	2 Qtls.	Rs. 60/-
				<u>Rs. 1530/-</u>

SOLATUM

30 % solatium is payable on the market value of the land.

Additional amount u/s 15 (1a) of the L.A. (Amendment) Act, 1984

An additional amount @ 12 % per annum is payable on the market value of the land from 6.11.80 to the date of announcement of the award u/s 15(1a) of the Land Acquisition (Amendment) Act, 1984.

APPORTIONMENT

Compensation will be paid on the basis of the latest entries in the revenue record. In case of dispute, which will not be settled amicably within a reasonable time, matter will be referred to the Court of A.D.J. u/s 30-31 of the L.A. Act.

LAND REVENUE

A sum of Rs. 0-51 Ps as Land Revenue will be deducted from the Khalsa Rent Roll of the Village from the date of taking over possession. The aforesaid land will vest absolutely in the Govt. free from all encumbrances.

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SUMMARY

MARKET Value for the land
measuring 1 Bigha 11 Biswa
@ Rs. 6000/- per bigha

Rs. 9,300 - 00

Value for structure

Rs. 43,860 - 00

Additional amount u/s 23(1)
of the L.A. Act @ 12 % from
6.11.80 to 5.11.85 (5 yrs)

Rs. 31,896 - 00

33

30 % solatium

Rs. 15,948 - 00

Value for Trees

Rs. 1,530 - 00

GRAND TOTAL:-

Rs. 1,02,534-00

(Rupees One Lac Two Thousand Five Hundred Thirty Four only).

Shukla

(J.P. TYAGI)
LAND ACQUISITION COLLECTOR(MSW)
DELHI.

Shukla
11/11/86
↓

14³/₈₆ Announced to-day + filed

Shukla
VACMSWJ

DELHI ADMINISTRATION : DELHI

NOTIFICATION

Dated the

23-12-82

7(63)/79-L&B:- Whereas the Lt. Governor, Delhi is satisfied the land is required to be taken by the Government for a purpose, namely, for construction of Storage Depot for products, it is hereby declared that the land described in schedule below is required for the above purpose.

This declaration is made under the provisions of section 4 of the Land Acquisition Act 1894, to all whom it may concern under the provisions of section 7 of the said Act the Lt. Governor of Delhi is hereby directed to take order for the acquisition of the said land.

This declaration is made with reference to this Administration Notification No.F.7(63)/79-L&B dated 6.11.1980 and under sub-section(1) of section 4 of the aforesaid Act; and in Part IV of Delhi Extraordinary Gazette dated 6.11.80.

A plan of the land may be inspected at the Office of the Lt. Governor of Delhi.

SPECIFICATION

of the village	Total Area Big. Bis.	Rect No.	Khasra No.	Area Big. Bis.
hal	1-15	53	*26 ✓27	0-02 0-02
		60	✓26 ✓5 min ✓27 ✓28	0-03 0-04 0-04 0-01
		59	✓21 min	0-02
		60	✓22 min	0-04
		61	✓4 min *18 min ✓26 ✓27 ✓28 *29	0-02 0-02 0-02 0-01 0-01 0-02
		68	✓26 ✓27	0-01 0-02
		Total		1-15

Chand kgo to issue
S. 9 & 10 after completing
and record urgently.

dm
3-1-83

By order,

(JANAK JUNEJA)
JOINT SECRETARY (LAND AND BUILDING)
DELHI ADMINISTRATION : DELHI

495 498

(TO BE PUBLISHED IN PART IV OF DELHI EXTRAORDINARY GAZETTE)
DELHI ADMN.: DELHI

NOTIFICATION

Dated: 6th Nov., 1980

No.F.7(63)/79-L&B(4):- Whereas it appears to the Lt. Governor Delhi, that the land is likely to be required to be taken by Government at the public expense for a public Purpose namely, for the construction of Storage Depot for oil products, 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 Lt. Governor is pleased to authorise the Officers for the time being engaged in the undertaking with their servants and workman to enter upon and survey any land in the locality 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 an objection in writing before the Collector of Delhi.

SPECIFICATION

Name of Village	Total Area Big-Bis	Rent No.	Field Nos. or Boundaries	
			Khasra Nos	Area Big.Bis.

Bharthal	1-15	53	26	0.02
			27	0.02
	60	60	26	0.03
			5 min	0.04
			27	0.04
			28	0.01
			21 min	0.02
	60	59	22 min	0.04
			61	0.02
	61	61	4 min	0.02
			18 min	0.02
			26	0.02
			27	0.01
			28	0.01
			29	0.02
			26	0.01
			27	0.02
68	68	26	0.01	
		27	0.02	

By Order
Sd/-
(BANSI DHAR)
JOINT SECRETARY (LAND & BUILDING)
DELHI ADMN. DELHI