

AWARD NO. 82/72-73

VILLAGE:

BHARTAL

NATURE OF ACQUISITION: PERMANENT

PURPOSE OF ACQUISITION: DEVELOPMENT OF PALAM AIRPORT.

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These are proceedings u/s 11 Land Acquisition Act, 1894 for determination of compensation in respect of land measuring 766 big. 14 bis. situated in village Bhartal. The land forms part of notification u/s 4 L.A. Act issued by the Delhi Admn. for an area measuring 817 big. 1 bis., vide No. F15(38)/64-L&H dt. 3.12.71. The land is required by the Government at the public expense for a public purpose namely Development of Palam Airport. A declaration u/s 6 of the Act was issued vide No. F15(38)/64-L&H(i) dt. 17.5.72.

Notices u/s 9 & 10 of the Act were issued to the persons interested in the land. Claims filed in response to the notices will be discussed under the heading 'Claims & Evidence.'

Measurement & Correct Area.

As per requirement of the deptt., an area measuring 794 big. 15 bis. was asked for according to the demarcation but on issue of the notices u/s 9 & 10 the lessees of the land in Kh.No.406 lying on the north of railway line, have made an application u/s 49 L.A. Act which is pending consideration of the Delhi Admn. Accordingly an area measuring 28 big. 1 bis. situated on north of railway line including the land of the lessees has been left out of the award for the present. Further proceedings would be taken later on.

The land acquisition field staff carried out measurement of the land under acquisition on the spot and the area <sup>was</sup> found correct as 766 big. 14 bis.

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The detail of land under acquisition is as under:-

Khasra No.	Area	Kind of soil
495/1	0-19	Abpash
496/1	less than a biswa	Gair Abpash.
513/1	1-00	G.M. Rasta
513/3	4-06	-do-
514/1	17-01	Abpash.
567/515	20-18	Abpash 20-16 Chah 0-02
568/515	6-00	Abpash.
516	18-14	Abpash 10-14 G.Abpash 8-00
517	16-08	Abpash.
518	28-13	Gair Abpash.
519	10-14	-do-
520	13-17	Abpash Chah 13-15 0-02
569/521	5-05	G.Abpash.
570/521/1-2	5-05	-do-
522	5-18	-do-
523	10-11	-do-
524	13-13	-do-
525	12-16	-do-
526	5-11	-do-
527	1-06	-do-
528	16-01	G.Abpash 15-18 Chah 0-03
529	14-08	Abpash 9-05 G.Abpash 5-03
530	6-18	Jadid No.1
531	6-18	G.Abpash.

1.	2.	3.
532	8-06	G. Abpash.
533	4-17	-do-
534	14-16	-do-
535	8-08	-do-
536	8-02	-do-
537	18-03	-do-
538	33-03	G. Abpash 33-00 Chah 0-03
539	13-07	G. Abpash 13-00 G. M. Dharam shala 0-07
540	11-08	G. Abpash
541	21-13	-do-
542	7-18	G. Abpash 7-14 Chah 0-04
543	7-13	G. Abpash.
544/1	32-00	Abpash 13-00 G. Abpash 18-16 Chah 0-04
545/1	12-15	G. Abpash.
546/1	13-10	-do-
547/1	11-04	-do-
548/1	4-05	G. M. Rasta.
549/1	292-06	Chiragaha.
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766-14		

Abpash	107-18
Gair Abpash	348-16
Gair Mumkin Rasta	9-11
Jadid No.1	6-18
Chah	0-18
Gair Mumkin Dharmshala	0-07
Chiragaha	<del>2292-06</del> 766-14

OWNERSHIP & OCCUPANCY

Sr. No.	Name of owner	Occupant, if any.	'Khasra' Area No.	'Kind of soil
1.	2.	3.	4.	5.

1.	Sh. Chandgi s/o Nand Lal, 1/4 share, Ram Chand, Lachhman, Om Parkash ss/o, Ram Wati d/o, Rest self. Smt. Risalo wd/o Bihari in equal shares, 1/4 share Babir Singh s/o Jai Lal, Jai Kishan s/o Raghu Nath in equal shares, 1/2 share.	Sahai Ram s/o Sis Ram 543 min (3-17)	542	7-18	G. Abpash 7-14 Chah 0-04
			543	7-13 15-11	G. Abpash

2.	Charan Singh s/o Bhondoo	Self	529	14-08	Abpash 9-05 G. Abpash 5-03
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3.	Bhup Singh s/o Gulab	<del>524</del> self	524	13-13	G. Abpash
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4.	Prithi Singh, Hoshier Singh ss/o Siri Ram	Self	533	4-17	-do-
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5.	S/Sh. Jagey Ram Mir Singh, Ram Singh ss/o Chandgi Ram in equal shares.. 1/2 share Hira s/o Mamman 1/2 share.	Self	546/1	13-10	-do-
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6.	Daya Nand s/o Abhey 11/30 share Mst. Bhagwani wd/o, Lachhmi, Khazani, Batpal ds/o Abhey in equal shares, 2/15 share, Rampat s/o Kishan Lal 1/2 share.	Self	531	6-18	-do-
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1.	2.	3.	4.	5.	6.
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7.	S/Sh. Deep Chand s/o Kanahiya, Chandgi s/o Net Ram, in equal share.	Self.	535  536	8-08  8-02 <u>16-10</u>	Gair Abpash.  -do-
8.	S/Sh. Raj Kumar Kapur, Vijay Kumar Kapur, Ranbir Kumar Kapur, Arun Kumar Kapur, ss/o Sh. Satpal Kapur, in equal share.	Self	514/1  567/515  568/515	17-01  20-18  6-00 <u>43-19</u>	Abpash.  -do- 20-16 Chah 0-02  Abpash
Note:- The Khata is mortgaged with under State Co-op. Bank .					
9.	Sh. Ram Singh s/o Chuni Lal	Self	532	8-06	G. Abpash.
10.	S/Sh. Partap, Dharmapal, Satpal ss/o, Smt. Manbhari wd/o Rattan, in equal share, 1/2 share.	-do-	570/521/1 570/521/2 522 523 569/521	4-04 1-01 5-18 10-14 5-05 <u>26-19</u>	-do- -do- -do- -do- -do-
	Sabha Chand s/o Man Singh, 1/2 share.				
11.	S/Sh. Ram Kala, Sher Singh, Mehar Chand, Jai Lal, Sheo Nath ss/o Ramji Lal, in equal share.	-do-	516  517	18-14  16-08 <u>35-02</u>	Abpash 10-14 G. Abpash 8-00  Abpash
12.	S/Sh. Sahib Singh, Balwan Singh, Hari Chand, Hawa Singh, Rajinder Singh, ss/o, Smt. Sarjo, Bimla Nirmala, Sudesh ds/o, Mst. Chand Kaur wd/o Sada Ram, in equal share.	-do-	538	33-03	G. Abpash 33-00 Chah 0-03

1.	2.	3.	4.	5.	6.
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13.	Sukh Lal s/o Bure Self	534	14-16	G.Abpash.	
14.	Sri Ram s/o Lala	-do-	541	21-13	-do-
15.	S/Sh. Sukh Lal, Jai Lal, Bhartu, Rama ss/o Rattan Singh, in equal share.	-do-	495/1	00-19	Abpash.
			496/1	00-00	G.Abpash. (less from biswa)
16.	S/Sh. Suraj Mal, Chhatter, Gian Chand ss/o Hukam Chand, inequal share.	-do-	526	5-11	G.Abpash.
			527	<del>1-06</del> 6-17	-do-
17.	Smt. Same Kaur, wd/o, Ram mehar, Jit Ram, Sukh Ram ss/o Shadi in equal share.	-do-	518	28-13	-do-
18.	Gopi s/o Hardev	-do-	528	16-01	-do- 15-18 Chah 0-03
19.	Smt. Ghogri w/o Rattan Singh.	-do-	519	10-14	G.Abpash
			520	13-17	Abpash 13-15 Chah 0-02
				<u>24-11</u>	
20.	S/Sh. Lakhi Ram, Sukhbir Singh, Suraj Bhan, ChanderBhan ss /o Piare Lal, in equal share.	-do-	537	18-03	G.Abpash
21.	Munshi s/o Ram Mehar, Ram Mehar s/o Jas Ram,	-do-	545/1	12-15	-do-
22.	S/Sh. Niader s/o Bihari, Hira, Parsa ss/o Bakh- tawar, in equal share.	-do-	525	12-16	-do-

23. Sh. Neki s/o Kishan Sahai	Self	540	11-08	G. Abpash.
24. Sh. Harinder Singh, Virender Singh ss/o, Mst. Radha, Ramwati ds/o, Mst. Bhagwati wd/o Harphool in equal share, 1/3 share.	Self	544/1	32-00	Abpash 13-00 G. Abpash 18-16 Chah 0-04
Risal Singh, Hari Kishan Singh ss/o Singha in equal share, 2/3 share.				
25. Gram Sabha	Self	549/1	292-06	Chiragaha
		513/1-3	5-06	G.M. Rasta
		548/1	4-05 301-17	-do-
26. Dharmshala village Bhartal owner in possession Sh. Ranjit.	Ram Saroop marginal grant of Son of Ganga Sahai	539	13-07	G.M. Dharam Shala 0-07 G. Abpash 13-00
27. S/Sh. Beli Ram, Tej Bhan, Ghanshyam Dass, Prem Nath ss/o Tehal Ram in equal share.	Sheoji s/o Kishan Lal.	530	6-18	Jadid No.1.
28. S/Sh. Richha Ram, Lakhi Ram ss/o Chhajju in equal share, 1/2 share.	Self	547/1	11-04	G. Abpash.
Hari Ram s/o Brikha Mohinder s/o Sukhdev in equal share, 1/2 share.				

CLAIMS & EVIDENCE

S.No.	Name of the claimant	Kh.No.	Area	Amount claimed.	Evidence.
1.	S/Sh. Vijay Kumar Kapur, Ranvir Kapur, Raj Kumar Kapur, and Arun Kumar Kapur ss/o Satya Pal Kapur.	514/1 567/515 568/515	18-03 20-18 6-00 45-01	1. Rs. 25000/- plb. Nil. for land. 2. Rs. 15000/- for electric tube well, including electric electric motor and wiring etc.	

ancillaries, electric

1. 2. 3. 4. 5. 6.  
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3. Rs. 20000/- for farm -  
house consisting of  
3 pucca rooms with  
electric fittings.

4. Rs. 10000/- for pucca  
raised drain including  
pucca 'Chabacha'.

5. Rs. 5000/- for 50 trees.

6. 15% solatium on item  
Nos. 1 to 4.

7. Damages on account of  
severance for acquisition  
of part of their land.

8. Claim on account of  
interest in the common  
land.

2. Prithi Singh s/o Sri Ram	541	21-13	1. Rs. 20/- per sq. yd. for land.	Copy of sale deed.
			2. Rs. 150/- for trees	dt. 30.1.70
			3. Alternative agri- cultural land.	Kh. No. 275 area 310 sq. yd. for a sum of Rs. 4330/-

3. Bhodp Singh s/o Gulab.	524	13-13	1. As at S. No. 2	Copy of of sale
			2. Rs. 200/- for tree	dated 18.4.69
			3. As s. No. 2	Kh. No. 499 meas. 1-02 bis. for Rs. 10500/-

4. Sh. Sabha Chand s/o Man Singh, Smt. Murti w/o Rattan, Partap, Satpal, Dharmpal ss/o Rattan.	570/521, 522, 523, 569/521 (26-19)		1-As at S. No. 2.	Nil
			2. Rs. 50/- for trees.	
			3. As At. S. No. 2.	

5. Smt. Chand Kaur wd/o Sahib Singh, Balwan Singh, Hari Chand, Hawa Singh, Pehlad ss/o Mst. Surjo, Bimla, OmBir, Rajindra, Nirmla, Sudesh ds/o Sada Ram.	538	33-03	1. As at S. No. 2	Nil
			2. Rs. 5000/- for well & Rehat.	
			3. As at S. No. 2.	
			4. Rs. 300/- for trees.	

6. Suraj Mal, Chhattar, 526, 527(5-11) 1.As at S.No.2 Nil.  
Gian Chand ss/o  
Hukam Chand. 2.Rs.60/- for trees.  
3.As at S.No.2.
7. Ram Kala, Sher Singh, 516, 517(35-02) 1.As at S.No.2 Nil.  
Mehar Singh, Jailal,  
Sheo Nath ss/o Ramji  
Lal. 2.Rs.1500/= for trees.  
3.As at S.No.2.  
4.Rs.5000/- for well and  
Rehat.
8. Hira s/o Mamman, 546/1 13-10 1.As at S.No.2 Nil.  
Jage Ram, Ram Singh  
Mir Singh ss/o  
Chandgi Ram. 2.Rs.300/- for trees.  
3.As at S.No.2.
9. Smt. Charahari w/o 519 10-14 1.As at S.No.2 Nil.  
Rattan Singh. 520 13-17 2.Rs.6000/- as cost  
of tube well,  
fittings, boring  
and trees.  
3.As at S.No.2.
10. Sh. Sukhlal, Bhartu 496 min & 1.As at S.No.2 nil.  
Jai Lal ss/o 495 (0-19) 2.Rs.5000/- cost of well  
and Rehat.  
3.As at S.No.2.
11. Sh. Chandgi s/o 542 7-18 1.Rs.20/- per sq.yd. Copy  
Nand Lal, ~~Chax~~ of sale  
Ram Chander, 543 7-13 2.Rs.10000/- for well deed  
Lachhman, Om dated  
Parkash ss/o, 3.Rs.100/- for water 18.469  
Smt. Ram Bati wd/o channel. for a sum  
Bihari. 4.Rs.1000/- for trees. of  
Rs.10500/-  
5.15% solatium. for 1 big  
2 bis.  
6. Interest. Kh.No.499
12. Sh. Jaikishan s/o 542 7-18 As At S.No.11 above Copy of  
Raghunath, Balbir 543 7-13 sale deed  
Sin h s/o Jai ~~Balbir~~ Lal dt.23.3.71  
in r/o Kh.  
No.206,  
area 7 bis  
for a sum  
of Rs5000/-

13. Risai Singh, 544 min 32-00 1. Rs. 25000/-<sup>p.l.</sup> for Copy of  
Harkishan ss/o land. special  
Singha, Smt. 2. Rs. 10000/- for power of  
Radha, Ramwati, well. attorney  
ds/o, Bhagwani 3. Rs. 1000/- for in favour  
wd/o, Virender Singh, persian wheel. of Dhan-  
Harender Singh ss/o 4. Rs. 500/- for trees wenti.  
Harphool. 5. Rs. 40000/- for  
jhunds
14. S/Sh. Beliram, Tej 530 6-18 1. Rs. 40/- per sq.yd Nil  
Bhan, Ghanshyam for land.  
Dass, Prem Nath A.  
ss/o Tehal Ram.
15. Smt. Sana Kaur wd/o 518 28-13 Rs. 25/- per sq.yd. Nil  
Ram Mehar. 1/3 share for land.
16. Lakhmi Chand s/o 530 6-18 Rs. 20/- per sq.yd. nil.  
Sheoji Ram.
17. Daya Nand s/o, 531 6-18 Rs. 25/ per sq.yd. nil  
Smt. Bharpal, Laxmi  
Khazani ds/o, Smt.  
Bhagwani wd/o Abhey
18. Gram Sabha through 549 1. Rs. 35/- per sq.yd.  
Hukam Chand Pradhan 439/1 for land.  
Gaon Sabha, Bhartal. 513/3 2. Rs. 6000/- for well  
548/1 3. Copy of resolution  
dt. 21-2-72.
- Note:- Kh.No. 439/1 is not under present  
acquisition.
19. Sh. Bhoop Singh & 306-00 1. Requested for the Nil  
123 others as compensation of Shamlat-  
given in the land as being the land  
objection (land owners). owners.  
2. Rs. 35/- per sq.yd. for  
land.  
3. Rs. 10000/- for well.  
& Rs. 50/- per trees.
20. Sh. Ram Rattan & 549 - Demanded compensation Nil  
68 others as given in the objection. in the Shamlat land.  
(land less)
21. Sh. Jit Ram s/o 518 28-13 Rs. 50/- per sq.yd. nil  
Shadi Ram. for land.
22. Sh. Sukh Ram s/o -do- -do- -do- nil.  
Shadi Ram
23. S/Sh. Kabool Singh 525 12-16 1. Rs. 50/- per sq.yd. Nil  
Khazan Singh through 2. 15% Solatium & interest.  
Sh. Daya Nand.

24. S/Sh. Mauji Ram, Sunder Singh, Ram Pat through Jai Narain.	As at S.No.23	As at S.No.23	Nil.
25. Niader Singh s/o Bihari.	-do-	-do-	nil.
26. Gopi s/o Hardev through Sarup Singh.	528 16-01	1. Rs.35/- per sq.yd. for land. 2. Rs.5000/- as cost of well. 3. Rs.1500/- cost of trees.	Nil
27. Charan Singh s/o Bhondoo	529 14-08	1. As at S.No.26. 2. -do- 3. Rs.500/- for trees.	nil.
28. Rampat s/o Kishan Lal	531 6-18	Rs.50/- per sq.yd. for land.	nil
29. Ran Singh s/o <del>Chunni</del> <del>Chaman</del> Lal	532 8-06	-do-	nil
30. Hoshier Singh s/o Siri Ram	533 4-17	-do-	Nil
31. Pirthi Singh s/o Siri Ram	-do-	-do-	nil
32. Sukh Lal s/o Bhure	534 14-01	-do-	nil
33. Chandgi Ram s/o Net Ram.	535 8-08 536 8-02	-do-	nil
34. Dalip s/o Kanahiya	-do-	-do-	nil
35. Chander Bhan s/o Piare Lal through Lakhi Ram.	537 18-03	-do-	nil
36. Suraj Bhan s/o Piare Lal, through Lakhi Ram	-do-	-do-	nil.
37. Sukhbir Singh s/o Piare Lal through Lakhi Ram.	-do-	-do-	nil

38. Lakhi Ram s/o Piare Lal.	As at S.No.37	As at s.No.37	nil.
39. Ram Sarup s/o Ganga Sahai	539	13-07	1. Rs.20/- per sq. for land. nil 2. Rs.15000/- for well.
40. Neki s/o Kishan Sahai.	540	11-08	Rs.50/- per sq.yd. Nil for land.
41. Chander Bhan s/o Sis Ram.	543	3-17	-do- nil.
42. Munshi s/o Ram Meher.	545	12-15	Rs.50/- per sq.yd. Nil for land. Rs.300/- for trees.
43. Ram Dhan s/o Jas ram.	-do-	-do-	As at S.No.40 Nil
44. Hari Ram s/o Birkh Bhan.	547 min	11-04	As at S.No.42. nil
45. Lakhi s/o Chhaju	-do-	-do-	As at S.No.43. nil
46. Mohinder s/o Surte	-do-	-do-	-do- nil
47. Binchha Ram s/o Chhaju.	-do-	-do-	1. <del>Rs.</del> Rs.50/- per sq.yd. for land. nil. 2. Rs.400/- for trees.

MARKET VALUE:

The date of preliminary notification in the present case is 3.12.71 and as such the market value is to be determined as prevailing during that period.

The claimants have demanded very high rate of compensation, but only a few have come up with evidence, the details of which are as below:-

1. Copy of sale deed dt. 30.1.70 in r/o Kh. No. 275 - area 310 sq.yd. - sold for a sum of Rs. 4330/-.
2. Copy of sale deed dt. 18.4.69 in r/o Kh. No. 499 - area 1 big. 2 bis. - sold for a sum of Rs. 10500/-.

.....13/-

3. Copy of sale deed dt. 23.3.71 in r/o Kh. No. 206 - area 7 bis. - sold for a sum of Rs. 5000/-.

The above transactions at Sr. Nos. 1 & 3 relate to very small pieces of land measuring 6 bis. & 7 bis. respectively and moreover the land involved in these transactions is adjoining to village Abadi. It is a matter of common knowledge that the small pieces of land in the periphery of the village 'Abadi' provide an ideal site for 'Gitwar' or for home-steads for the expending population which naturally explains for the high prices paid in such transactions. It, therefore transpires that by no stretch of imagination, such sale can compare with the land under acquisition which falls within the ambit of Delhi Land Reforms Act, 1954 under which it cannot be put to any use, except for purposes connected with agricultural.

The same deed at Sr. No. 2 has also no relevancy as the entire consideration money was paid in advance and nothing has paid before the Sub-Registrar. In this case an area measuring 1 big. 2 bis. was sold for a sum of Rs. 10500/- . As the entire sale price was not paid before the Sub-Registrar, it cannot be said with certainty as to what price the property fetched in the Sale Transaction.

Before we embark upon the sale transactions finding place in the revenue record of this village, it would be appropriate to also <sup>look</sup> into the awards relating to acquisition of land in the village, that have made in the recent past. Only one award No. 1772 relating to date of notification u/s 4 L.A. Act as 21.5.64 came to notice. In this award the market value was assessed at Rs. 1000/- per big. The award can be of no help in the present case as the date of preliminary notifi-  
.....14/-

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cation in the said award is anterior by about 8 years.

The field staff consulted the record of right; and the following sales were found recorded during the year 1969 & 71. No sale was found recorded in the year 1970. The details of the sales found out are as below:-

S.No.	S.No. in Register	Date of Regn.	Kh.No.	Area trans-ferred	Total amount	Average per bigha.
1.	222	18.4.69	499min	1-02	10500/-	9545-45
2.	338	30.3.71	590/354	0-18	12000/-	13333-33
3.	154	24.3.71	111	0-09	1500/-	3333-33
4.	181	25.3.71	206min	0-10	6000/-	12000-00
5.	179	"	"	0-05	5000/-	14285-71
6.	180	"	"	0-03	2500/-	16666-66
7.	178	26.3.71	208min	0-06	4600/-	15332-33

A detailed <sup>scrutiny</sup> ~~scrutiny~~ of the above sale transaction reveals that the sale transaction at S.No. 1 hardly affords any guidance in the evaluation of the land since the entire sale price was paid in advance and <sup>no</sup> cash was paid before the Sub-Registrar at the time of Registration. In such transactions it is very difficult to ascertain the real price <sup>for the</sup> of land; that being so the sale transaction has to be discarded. In the transaction at S.No. 3 the price of land also included the cost of the tube-well and therefore it is not possible to ascertain the price of the land without deducting the cost of the tube-well; this transaction therefore also does not reflect the market value of the land. Further the sale transaction cited at S.No. 2 and 4 to 7 pertain to small pieces of land which by inlarge lie on the outskirts of the village-Abadi and cannot be a source of guidance for the reasons discussed at page 13 ante.

From the above discussions it is crystal clear that there are hardly any sale transaction in the village which should serve as proper exemplar for the assesment of the market value. It has been held that the price paid within a reasonable time for the land adjacent to the land acquired and possessing similar advantages is a correct method of valuation or, in other words ~~bonafide~~ bonafide transaction of purchase of land adjacent to the land acquired and possessing similar advantages provide an alternative means of estimating the market value. Adjoined to this village is Bijwasan from where relevant sale transaction can be referred to in determination of the market value of the land under acquisition. The following sales transaction were found in the record-of-rights nearest to the material date.

S.No.	S.No. in Register	Date of Regn.	Kh.No.	Area trans-ferred	Total amount	Average per Bigha.
1.	281	16.2.71	144min	9-09	22,680/-	2400/-
2.	282	"	"	10-00	24,000/-	
3.	284	30.1.72	511	5-07	12,000/-	2242/-
4.	286	"	645, 1524,2339/ 1537-1530	8-17½	13,000/-	1464/-
5.	290	30.6.71	181/1/1. 182/1	17-02	48,000/-	2807/-
6.	289	11.10.71	408,572,1532 1511,2922/ 1885/9 plus including 6-03 land of village Salehapur.	28-18	50,000/-	1730/-
7.	300	15.7.71	2070	2-05	1500/-	666/-
8.	301	9.12.70	831	4-01	6000/-	1481/-
9.	303	11.10.71	2665/226	8-18	50000/-	5617/-
10.	307	23.6.71	536, 2689/542	15-11	105000/-	6752/-

....16/-


Out of the above sales, it is seen that the land involved in the transactions at Sr. No. 3,4,6 to 10 is located at a considerable distance from the land under acquisition. Moreover the land involved in the transactions at Sr.No. 4 & 6 is scattered, which naturally explains the low price the land fetched in the open market.

The land in transaction at S.No. 9 & 10 cannot compare with the land in question as the land in both these cases enjoys very favourable location - abutting on the main Delhi Bijwasan Road. Further in transaction at S.No. 10, the consideration money includes the cost of development of the various items like tube-wells, structures, passages, drains, and sewer etc.

The transaction at S.No. 5 also includes the price of appurtenances to the land as such the exact cost paid for the land, cannot be worked out.

The transactions at S.Nos. 1 & 2 relate to land in respect of Kh. No. 144 min and the bargain for the area 19 Big. 9 Bis. was struck on the same day. The total consideration in these transactions sums up to 46,680/- making an average of Rs. 2400/- p.b. The land in these two transactions is at a reasonable distance from the land under acquisition and can be relied upon in assessing the value of the land since land in both the cases are akin and has similar agricultural potentiality. I am therefore of the opinion that these two sale transactions are the best guide in determining the market value in the present case; as such relying on these sales, I consider that the fair market value for the land be assessed at a rate of Rs. 2400/- per bigha, and award the same accordingly.

...17/-



Some land in the instant case has a higher potentiality than the rest of the land because of its abutment on the public paths of the village. This land has access to two different public paths and as such it is entitled to a higher rate of compensation. This land comprises of Khasra Numbers 514/1, 567/515, 568/515, 544/1 & 547/1 total measuring 87 bighas 3 biswas and for the reasons stated above their market value is assessed at Rs. 3,000/- per bigha.

Land measuring 292-06 in Kh. No. 549/1 is recorded as 'Charagah' and is not presently fit for cultivation being in the shape of Banjar-Jadid. I, therefore, consider that a rate of Rs. 1,000/- per bigha. would be the fair market value for this land which I award accordingly.


An area measuring 9 bighas 11 biswas comprising khasra number 548/1, 513/1 and 513/3 is recorded as 'G.M.Rasta'. This land is dedicated to public use and, therefore, no compensation is assessed, for the same.

OTHER COMPENSATION:

STRUCTURES:

There are the following structure including water Channel on the land under acquisition. The Assistant Engineer (Valuation) Delhi Development Authority, has assessed the value

.....18/-



of these structures as communicated vide his letter No. A.E.(V)/425/72-New Delhi dated 6.11.72. I consider the assessment made by Assistant Engineer to be reasonable and fair and Award the same accordingly.

Sl. No.	Kh. No.	Kind of Structure	Price Assessed.
1.	514/1	One room 15'X10' One room 10'X10'	3360/-
2.	514/1-515	Pucca Water Channel and pucca Haudi	4000/-
3.	539	One pucca room 15'X10' in the shape of Dharam Shala	2230/-
Total			9,590/-

*(For inclusion and fine to be made only)*

#### WELLS & TUBE-WELLS

There are the following wells/Tube-wells/Rehat in the Kh. No. noted against each, which falls within the acquisition. The Assistant Engineer (valuation) has also assessed the value of these wells as shown below: I consider the same reasonable and award accordingly.

Sl.No.	Kh. No.	Price Assessed	Shifting charges for tube-wells/ <del>Rehat</del> Rehat
1.	514/1	3340/-	200/- for tubewells
2.	517	2430/-	100/- for Rehat
3.	528	2100/-	100/- for Rehat
4.	538	2470/-	100/- for Rehat
5.	539	2100/-	Nil
6.	542	2270/-	100/- for Rehat
7.	544	2270/-	100/- for Rehat
8.	549	2200/-	Nil
Total		19,180/-	Rs. 700/-

#### TREES:

There are following trees in Kh. Nos. noted against each. The Naib Tehsildar (LA) has assessed the valuation of these trees, which I consider to be fair and award the same accordingly.

Sl.No.	Kh. No.	Kind of trees	Weight in Rate	Amount Assessed
1.	514/1	1. 45 Plants of Safada	-	1. Rs5/- 225/-
		2. 3 Shahtoot	-	per Plant
		3. 1 Papita	-	2. Rs10/- 30/-
		4. 1 Kikar	5	3. 10/- 10/-
				4. 5/- 25/-

2.	517	6 Shahtoot 1 Bari 1 Kikar	30. 1 Q.	10/- 5/- 5/-	60/- 15/- 5/- ✓
3.	523	1 Kikar	5 Q.	5/-	25/-
4.	524	1 Kikar	5 Q.	5/-	25/-
5.	529	2 Kikar	5 Q.	5/-	25/-
6.	541	1 Kikar	2 Q.	5/-	10/-
7.	542	4 Kikar	6 Q.	5/-	30/- ✓
8.	543	1 Kikar	3 Q.	5/-	15/-
9.	544	3 Kikar	3 Q.	5/-	15/- ✓
10.	546	2 Kikar	8 Q.	5/-	40/-
11.	549/1	1 Pipal 2 Neem	50 Q. 40 Q.	5/- 5/-	250/- 200/-
Total					<u>Rs. 1,005/-</u>

Kh. No. 549/1 in the ownership of Gaon Sabha, is recorded as 'Chiragah' in which there are innumerable shrubs which have come up in the natural course and no compensation is assessed for the same. The owners are at liberty to remove the same within fifteen days from the date of announcement of the award.

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

DAMAGES U/s 23 CLAUSE THIRDLY:

The claimants Sh. Vijay Kumar Kapoor etc. have claimed damages on account of severance for acquisition of part of their land. Obviously, the claim falls within section 23 clause thirdly. This clause relates to the damages (if any) sustained by the person interested at the time of collector taking possession of the land by reason of severing such land from his other land. When part of owner's land is taken, he may suffer damage in consequence of the injuries thereby caused to his remaining land. In the instant case 45 bigha 1 biswa of land is recorded in the name of claimants & out of which major portion of land covering an area of 43 bigha 19 biswas is being acquired

.....19/-

through the present proceedings, leaving the owners with a small area of 1 big. 2 bis. which naturally be of no profitable use to the owners. Since the severance has resulted in the diminution of the value of the rest of land, I am inclined to award 10% as damages on the total value of the remaining land measuring 1 big. 2bis. Accordingly a sum of Rs. 330/- is awarded as damages due to severance.

LAND REVENUE DEDUCTION:- The land under acquisition is assessed at Rs. 190-33 as land revenue which will be deducted from the Khalsa Rent Roll of the village from the date of taking over possession of the acquired land.

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

APPORTIONMENT:- The compensation will be paid on the basis of the latest entries in the revenue record except in the cases where other than the recorded owner have claimed compensation.

SUMMARY OF THE AWARD:- The summary of award is as follows:-

1. Compensation of land measuring 87 big. 03 bis. @ Rs.3000/-P.B. of block I.	Rs. 2,61,450=00
2. Compensation of land measuring 377 big. 14 bis. placed in block II @ Rs.2400/- per bigha.	Rs. 9,06,480=00
3. Compensation for land measuring 292 big. 6 bis. placed in Block III @ Rs.1000/-P.B.	Rs. 2,92,300=00
4. Compensation for land measuring 9 big. 11 bis. dedicated for public use..	Rs. Nil.
5. Compensation for structures.	Rs. 9,590=00
6. Compensation for wells	Rs. 19,180=00
7. Compensation for trees	Rs. 1,005=00
	Rs.14,90,005=00
8. Solatium on the above <i>at 15pc</i>	Rs. 2,23,500=75
9. Shifting charges	Rs. 700=00
10. Damages U/s 23 Clause (Thirdly)	Rs. 330=00
	<u>Rs.17,14,535=75</u>
Total:	

(Rupees Seventeen Lacs fourteen thousand five hundred thirty five and paise seventy five only.)

(V.K.BHALLA)

LAND ACQUISITION COLLECTOR (MSW)  
DELHI

*Amended Awarded by*  
*Filed*  
*29/1/78*