

A W A R D No. 12/96-97.

NAME OF VILLAGE

: BUDHPUR

NATURE OF ACQUISITION

: PERMANENT

PURPOSE OF ACQUISITION

: SEWERAGE AND WATER TREATMENT  
PLANT FOR NARELA TOWNSHIP  
UNDER P. D. D.

INTRODUCTORY :

These are the proceedings under section 11 of the Land Acquisition Act, 1894 for determination of compensation in respect of the land measuring 156 Bigha 11 Biswa in village Budhpur. The Land is required by the Govt. for a public purpose namely for the Sewerage and water Treatment plant for Narela Township under P.D.D. The land stands notified under section 4 of the LA Act vide notification No. F-11(34)/91/L&B/LA(1) dated 14-1-94. In view of the urgency of the scheme, provisions of section 17(1) of the Act were also made applicable to this land by notification No. F.11(34)/91/L&B/LA(111) dated 21-12-94. The Delhi Govt. issued a declaration u/s 6 of the LA Act vide notification No. F.11(34)/91/L&B/LA(11) dated 21-12-94.

Notices under section 9 & 10 of the aforesaid Act were issued to the interested persons. In response to the notices issued, claims filed by the interested persons have been mentioned under the heading "CLAIMS".

MEASUREMENT :

The area to be acquired, as given in the declaration under section 6 is 156 Bigha 11 Biswa. The area covered by the aforesaid declaration was measured on the spot by the land acquisition field staff.

instead of 3 bigha 3 biswa as mentioned in declaration u/s.6  
As such there is total decrease of 13 Biswa in the area to  
be acquired from that of the area mentioned in the declaration.

Thus the present award is for land measuring 165 Bigha  
18 biswa. The detail of the same are as under :-

<u>RECTANGLE NO.</u>	<u>KHASRA NO.</u>	<u>AREA</u>	
		<u>Bigha</u>	<u>Biswa</u>
3	10	3	6
	11	4	16
	12	2	16
	20/1	1	16
	20/2	3	2
	21	3	10
	15	4	0
	16	4	16
	17	2	5
	21	1	12
4	22	2	8
	23	0	10
	24/1	2	1
	24/2	3	6
	25	4	16
	26	0	2
	1	2	3
	2	4	16
	3	4	16
	4	4	16
13	5		

13

10	1-18
11	1-8
12	4-12
13/1	1-4
13/2	2-8
13/3	1-0
14/1	1-12
14/2	2-12
14/3	0-8
15/1	2-15
15/2	1-17
16	4-8
17	4-16
18	4-16
19	4-16
20	1-2
21/1	0-4
21/2	0-5
21/3	0-5
22/1	1-6
22/2	1-12
22/3	1-14
23/1	4-0
23/2	0-16
24	4-16
25	4-11
26	0-4

14	1	2-10
	10	1-15
	11	3-6
	20	5-16
	21	5-0

TOTAL 165-19

CLAIMS :

Following persons have filed there claims in pursuance of the notices issued u/s 9 & 10 :-

<u>S. NO.</u>	<u>NAME OF THE CLAIMANT</u>	<u>KH. NO. AND AREA</u>	<u>CLAIM</u>
1	Usha Goel w/o Gopal Krishan R/o AK-6 Shalimar <del>Bhag Bagh</del>	13/22/3 1-2	a) Rs. 3,000/-per sq. yd. b) 5 lac for damages c) Rs. 10Lac for purchasing other site. d) Plot measuring 1100 sq. yd. e) Rs. 5 Lac as special prize f) Rs. 5 Lac for damage of structure ect. Other benefits as per law.
2	Anju Garg w/o Ashok Kumar Garg R/o J-130 Saket.	-do-	-do-
3	Radhey Shyam Gupta S/o Chandher Bhan Gupta R/o 48-Banarsi Das State Timarpur.	13/21/3 0-5 21/2 0-5 22/3 0-12 22/2 0-10	-do-
4	Vivek Malani S/o		

5. Reena W/o Neeraj R/o A-3/73, Paschim vihar	13/2 13/9 13/10 13/1 13/2	0-3 1-16 0-13 0-10 0-10	Rs. 2000/-per sq.yd. b) Rs. 5000/- for crops c) 15lac for special prize d) 10lac for structure ext. e) 10lac for re-setting business f) Plot of 1000 sq.yd. Other benefits as per law.
6. Neeraj S/o Om Prakas R/s A-3/73 Paschim vihar.	13/3 13/8	0-12 1-00	-do-
7. Anil Kumar Gupta S/o K.N. Gupta R/o GP-56 Pitam Pura	13/3	1-2	-do-
8. Krishan Kumar Zindal S/o Ram Niwash Zindal Rs. 133, Basali Pitam Pura	13/1 13/2 13/3 13/8 13/9 13/10	0-7 0-7 2-0 0-4 0-4 0-2	-do-
9. Anita Zindal W/o Krishan Kumar Zindal R/o -do-	13/2 13/9 13/10 13/9 13/19	0-3 0-12 1-3 0-12 1-1	-do-
10. S.K. Arora S/o Amar Nath Arora R/o A-1/200 Lawrence Road	13/3	1-2	a) Rs. 2000/-per sq.yd. b) Rs. 5 Lac for damages of structure c) Rs. 10 Lac for purchasing other site d) Plot of 599 sq.yds. e) Rs. 5 lac special Market value f) Rs. 5 lac for damages. Other benefits as per law.
11. Sharda Gupta W/o Om Prakash Gupta R/o Avtar Enclave Pachime vihar	13/8	1-1	-do-
12. Rajender Prashad s/o Ami Lal R/o 8663, Shidipura Modal Basti Delhi	13/2	1-3	-do-
13. Sunil Goel S/o Deena Nath Goewl R/o Dooriwalan Est. near	13/8	0-10	-do-

15. Ashok Kumar S/o Hari 13/13/ 1-4  
Ram Gupta R/o 350-D 2  
Sri Nagar Sakur Basti

- a) Rs. 10,000/- per sq. yd.  
b) Rs. 8lac for structure ext.  
c) 12% Addl. Amount, 30% sol.  
& other interest as per law.

16. Hari Ram Gupta S/o 13/13/2 1-4  
Chandgi Ram R/o -do-

-do-

16. 8/21 1-12  
4/23 0-10  
13/1 2-3  
13/2 4-16  
13/3 4-16  
13/8 4-16  
13/9 4-16  
13/10 1-18  
13/13/2 2-8

17. Ajeet Singh S/o 4/21min 0-10  
Ganga Singh R/o 23min 0-10  
R-67 Modal Town 22 2-8

- a) Rs. 2000/- per sq. yd.  
b) Rs. 20Lac for structure ext.  
c) Rs. 10Lac re-seeting busines  
d) ~~Plot~~ 500sq yd.  
e) Rs. 10lac as special Market prize  
d) Rs. 5 lac for demagees  
Other benifits as per law.

18. 1. Sant Lal W/o Janki Dass  
2. Nirmala Devi W/o Sant Lal  
3. Vishal Kumar S/o Sant Lal  
4. Ashok Kumar S/o M.M.Lal  
5. Anil Kumar S/o M.M. Lal 13/11 1-8  
6. R/o 200, Modal Town  
6. ~~S/o D. Vatra~~ Ashok Kumar 13/12 4-12  
S/o G.D. Vatra R/o Hem 13/1 1-04  
Nagar Sonipat  
7. Shakti S/o Bansi Lal  
R/o Puncham Nagar Sonipt

- a) Rs. 5,000/- Per sq. yd.  
b) Solatium 30% Interest 18%  
Alternative plot.

19. Usha Rani Zindal S/o Gopi  
Ram Through Attorney  
Kamlesh Rani Gupta W/o  
Laxmi chand R/o 2/2337  
Vasant Kunj

13/15/1 2-15

- a) 2000/- per sq. yd.  
b) Rs. 2lac for boundry wall ext.  
c) Rs. 1lac Trees  
d) Rs. 15,000/- per Tubel & Hand pump.  
e) 30% solatium, 12 add. Compen-  
sation and Intrest.

20. Tirlok Singh Bazzaj S/o  
Jagat Singh Bazzaj 3/10 3-6  
R/o Naraina Vihar B-1  
4/24/23-6

- a) Rs. 3000/- per mtr.  
b) Solatium 30%

21. Gur charan Das S/o 13/23/1 4-00 a) Rs. 3000/- per mrt.  
 Tirlok Singh Bazzaj 23/2 0-16 b) Rs. 35,000/- for Tubewell/  
 B-1 Naraina Vihar 24 4-14 well  
 25 4-11 c) Trees Rs. 3500/-  
 26 0-4 d) Loss/damages Tubewell  
 Rs. 20,000/-  
 e) Haudies Rs. 5000/-  
 f) Loss of Business 1,50,000/-

22. Kailash Bazzaj W/o 3/114-16  
 Tirlok Singh Bazzaj 122-16  
 20/11-16  
 20/21-14  
 4/15 4-1  
 13/17 4-16  
 18min 2-8  
 19min 2-8  
 a) Rs. 3000/- per mrt.  
 b) Solatium 30% Add. Amount  
 12%  
 c) One Room 45,000/-  
 d) Trees. Rs. 20,000/-  
 e) Damages Electricity/Machine  
 Rs. 50,000/-  
 Loss of Business 2,00000/-

23. Prithi Bal Singh 13/16 4-8  
 Bazzaj S/o Tirlok 27 0-4  
 Singh Bazzaj 14/20 5-16  
 21 5-00  
 13/28 0-4  
 a) Rs. 3000/- per mrt.  
 b) Solatium 30% Add. Amount  
 12% Statutory Intrest.  
 c) Travel/Well Rs. 25,000/-  
 e) Room & Baranda 75,000/-  
 f) Trees 1 Lac  
 i) Haudies Rs. 5000/-  
 g) Dagemeg to Tubewell 50,000/-  
 h) Loss of Business 2 Lac

24. Jasbir Kaur Bazzaj w/o 13/13/3  
 Prithi pal singh Bazzaj (1-0)  
 14min 1-12  
 20 1-2  
 18min 2-8  
 19min 2-8  
 29 0-5  
 Rs. 3000/- Per mtr. for land  
 30% Solatium, 12% Addl.  
 amount and intrest.

25. Veem Bajjaz W/o  
 G. S. Bazzaj 4/16 4-16  
 4/25 4-16  
 3/21 3-14  
 14/1 1-10

## MARKET VALUE

While determining the market value of land as on 14-1-94 e.e. the date of notification u/s 4 of the Act, several factors such as location of land, nature of soil, awards announced in the recent past of the same or adjoining villages, pronouncement of different courts, claims filed by the interested persons, sale deed and price policy of the government regarding acquisition of agricultural land are to be taken into consideration.

The land under acquisition is basically agricultural land though, earth has been taken out from some of the area upto tree feet. Even in this dug-up land there are some Khasra numbers in which earth has been taken out only upto 1 foot. In other Khasra numbers earth upto 2 to 3 feet has been removed. As such even this dug-up land can be divided into two blocks. Hence for the purpose of assessing the market value, land can fairly be divided into three blocks. One block will consist of land from which no earth has been taken out or levelled land. This is categorised as 'A' block land measuring 98 bigha 8 biswa. Other two blocks will consist of dug-up land or land from which earth has been removed. Second block will consist of dug-up land from which earth upto 1 foot only has been taken out. This is categorised as 'B' block land total measuring 26 Bigha 19 Biswa. Details of this 'B' block land is as under :-

<u>KHASRA NO.</u>	<u>AREA</u>	<u>KHASRA NO.</u>	<u>AREA</u>
13/18	4-16	13/23/2	0-16
19	4-16	21	4-16
20	1-2	25	4-11
23/1	1-2	14/21	5-00
		<b>TOTAL</b>	<b>26-19</b>

Third block will consist of dug-up land which is deep and from which 2 to 3 feet earth has been taken out. This is categorised as 'C' block land total measuring 40 Bigha 11 Biswa. Details of this 'C' block land is as under :-

<u>KHASRA NO.</u>	<u>AREA</u>	<u>KHASRA NO.</u>	<u>AREA</u>
4/22	2-8	13/12	4-12

Rest of the land is of 'A' Block.

While assessing the market value of the land, I find that no award had been announced in the recent past in village Budhpur or adjoining villages.

The interested persons have claimed exorbitant prices of their land by making claims from Rs.2000/- per sq.yds. to Rs.10,000/- per sq.yds. They have, however not filed any reliable documentary evidence in support of their claims. The claims, therefore, cannot form the basis of determination of market value.

In a policy announcement which came into effect from 27.4.90 the Government of Delhi fixed the minimum price of agricultural land @ Rs.4.65 lakh per acre for the acquisition of agricultural land.

In view of the absence of any documentary evidence on record to the contrary, I find Rs.4.65 lakh per acre to be the most reasonable price for best land i.e. land falling in 'A' Block. I accordingly determine the market value of the 'A' Block land @ Rs.4.65 lakh per acre or Rs.96,875/- per bigha.

As far as assessment of land falling in block 'B' and 'C' is concerned attention is required to be paid to the quality of the land. As stated earlier, from this land earth has been taken out. Surveyor of works-II, PWD was requested vide this office letter F.No.LAC/Narela/95/2555-56 dt.24.5.95 to assess the cost of filling this dug-up land. But, he has not entertained our request. In case of village Holambi Khurd, Surveyor of works had informed this office, vide this letter dt.24.5.94 that the cost of earth filling may be got adjudged locally and they are not in a position to do this. For assessment of market value of this land, reference can also be made to Award No.12/94-95 of village Holambi Khurd as well as judgement of Hon'ble High Court

per acre for 'B' Block/Dug-up land. I have gone through the judgement :  
in RFA No. 810/88. Court has given Rs.50,000/- per bigha for levelled  
land and Rs.45,000/- per bigha for unlevelled land. Thus market value  
of 'B' Block land has been held 10% less than that of 'A' block land.  
Against this judgement, Deptt. filed SLP in the Hon'ble Supreme Court  
over and above the market value of Rs.32,000/- per bigha for levelled  
land and Rs.29,000/- per bigha for unlevelled land. This difference  
of Rs.3,000/- also gives a difference of 9% approx. in the rate of  
levelled and unlevelled land. Even if this proposition of the Deptt.  
is accepted, then a deduction of Rs.41,850/- per acre is required to  
be made in the market value of dug-up land from that of 'A' block  
land. But, despite that LAC gave a deduction of Rs.1.65 lakh per acre  
in Award No.12/94-95. This has been done because depth of 'GADHAS'  
in village Holambi Khurd was much more than those in village Samepur.  
Thus dimension of depth of 'GADHAS' is also relevant. For the assess-  
ment of the cost of this land, local enquiries were made and it came  
to my notice that for removing earth upto 4 to 5 feet Rs.1.20 to 1.30  
lakh per acre is paid as lease consideration. In that way removal  
of 2 to 3 feet earth would require a consideration of Rs.60,000/- to  
65,000/- per acre. Keeping in view the proposition of the Deptt. and  
findings of local enquiry, I am of the opinion that Rs.63,000/- per  
acre should be given as deduction in the market value of 'C' block  
land from that of 'A' block land decided earlier. As such I assess  
the market value of 'C' block land @Rs.4.02 lakh per acre or Rs.83,750/-  
per bigha. As stated earlier, from 'B' block land earth upto 1 foot  
only has been taken out. As such a deduction of Rs.30,000/- per acre  
only is sufficient, to be given in the market value of 'B' Block land  
from that of 'A' block decided earlier. As such I assess the market  
value of 'B' block land @Rs.4.35 lakh per acre or Rs.90,625/- per bigha.

In addition to the market value fixed above, land owners will  
be entitled to all other benefits as per the provisions of the Act.

#### TUBEWELL :

There are two Tubewell having {KOTHA' in Khasra No. 4/22 and 13/16. The owners are entitled to remove the pipes and structures etc. and are allowed a sum of Rs. 2000/- per tubewell and Rs. 3000/- per Kotha as removal charges.

#### WELL :

There is one well Khasra No. 13/29 which is not in use at present. This is in deteriorated condition. However, material used in this well carry some value. Keeping in view the above facts, I assess the market value of well as Rs. 5000/-

#### STRUCTURES

There is a temporary structure in Khasra No. 13/21/1-22/1 having boundary wall and Tin Sheeds. This is in deteriorated condition and owner is at liberty to remove this <sup>and</sup> he is allowed a compensation of Rs. 4000/- for the removal of the same.

#### TREES

There is no tree on any Khasra no which can fetch any market value, as such I donot give any compensation on account of trees. However, there is a 'BAGICHI' on Khasra No. 13/15/1 and 13/16 having small fruit trees such as 'ANAR', 'AAROO', 'AMROOD', and 'NIBOO' etc.. For the assessment of the cost of trees request has already been made to the Deputy Director (Horticulture), M.S.O. Building, I.P. Estate, New Delhi vide this office letter No. LAC/Narela/95/2380 dt. 1.6.95 and 2771-72 dt. 15.6.95. Survey of the same has already been done on 14-6-95. But so far we have not received the valuation report. As such a supplementary award would be drawn for these trees on receipt of the valuation report from the Horticulture Deptt.

#### SOLATUM:

As provided under sub-section 2 of section 23 of the Land Acquisition (amendment) Act, 1984, the interested persons will be paid 30% solatium on the market value of the land due to compulsory nature of acquisition.

#### POSSESSION

As possession of the land has been taken over and handed over to the requisitioning Department on 20-1-95, the interested persons are entitled for the interest u/s

34 of the LA Act @ 9% p.a. for one year from the date of possession and thereafter @ 15% till the date of announcement of award as per the provision of the LA (amend.) Act 1984. The interested persons were allowed to harvest their crops.

ADDITIONAL AMOUNT :

The interested persons are entitled to additional amount @ 12% per p.a. on the market value of the land from the date of notification u/s 4 till the date of possession or announcement of award which <sup>ever</sup> is earlier.

APPORTIONMENT

Compensation will be paid to the interested persons according to the latest entries in the revenue record. In case of any dispute regarding title, apportionment of compensation, the matter will be referred to the court of A.D.J. u/s 30-31 of the LA Act.

LAND REVENUE :

Land Revenue to be assessed and to be deducted from the Khalsa rent roll of the village from the date of taking over possession of the land.

# SUMMARY OF THE AWARD

1.	Market value of 'A' Block land measuring 98 bigha 08 biswa @ Rs.96875/- per bigha	Rs.95,32,500/-
2.	Market value of 'B' Block land measuring 26 bigha 19 biswa @ Rs.90625/- per bigha	Rs.24,42,344/-
3.	Market value of 'C' Block land measuring 40 bigha 11 biswa @ Rs.83,750/- per bigha	Rs.33,96,062/-
I TOTAL OF MARKET VALUE		
4.	Solatium @ 30% of market value	1,53,70,906/-
5.	Additional amount @ 12 p.a. wef 14.1.94 to 20.1.95 (371 days on market Value)	46,11,272/-
6.	Interest @ 9% p.a. u/s 34 wef 20.1.95 to 19.1.96 (365 days)	18,74,829/-
7.	Interest @ 15% p.a. under section 34 wef 20.1.96 to 17.12.96 (331 days)	13,83,382/-
8.	Cost of well	20,90,864/-
9.	Removal charges for Tube well	5,000/-
10.	Removal charges for Tube Well 'KOTHA'	4,000/-
11.	Cost of removal of 'Tin shed structures	6,000/-
		4,000/-
GRAND TOTAL:-		2, 53,50,253/-

(Rs. Two crore fifth three lac fifty thousand two hundred fifty three only)

Approved

SECRETARY (REVENUE)

( SAHIB SINGH )  
LAND ACQUISITION COLLECTOR (N)

18/12

Now present Award announce in form Court notices u/s 12(2) be issued:

18/12