

A W A R D No. 2043

Name of the village:

Chhawla.

Nature of acquisition:

Permanent.

INTRODUCTION:

The land situated in the estate of village Chhawla measuring 33 bighas and 5 biswas along with some other villages is needed by the Government at the public expense for a public purpose namely for the widening of the Najafgra Drain from Chhawla Bridge to Kakraula Regulator. A notification under section 4 of the Land Acquisition Act was made vide the notification No.F.15(44)/66-LSG/L&H(i) dated 19.8.1966. The provisions of section 5-A of the L.A. Act for inviting and hearing the objections from the interested persons were dispensed with, and section 17 was applied for taking possession of the land under acquisition vide the above said notification. Actually, the possession of the land under acquisition was not handed over to the Acquiring Department, namely, the Flood Control & Drainage Department by the Land Acquisition Collector etc. However, at the time of the issue of the notification under section 4 of the L.A. Act, the drain was already dug by the Flood Control & Drainage Department. A declaration under section 6 of the L.A. Act was made vide the notification No.F.15(44)/66-LSG/L&H(ii) dated 19.8.1966. The notice under section 9(1) was given due publicity and notices under sections 9(3) and 10(1) of the L.A. Act were served upon the known interested persons. Almost all the interested persons have responded to the notices given to them.

'MEASUREMENT & OWNERSHIP'

According to the notification under section 6 of the L.A. Act, the total area to be acquired is 33 bighas and 5 biswas. From further verification made on the spot under section 8 of the L.A. Act, the area under acquisition was found to be correct at 33 bighas.....

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and 5 biswas. I, therefore, hold the area under acquisition to be true at 33 biswas and 5 biswas, the details of which according to the Revenue Record are as given below:-

Sl.No.	Name of the Muridar(s):	Khassra No.	Area. Bis.Bis.	Kind of land
1.	Paltoo, Jai Lal ss/o Kanhya in equal shares.	794/1.	1 - 00	Sailab Dehri.
2.	Mst. Chhan Kaur wd/o Jai Ram-1/2, Shoo Karam, s/o Hilar-1/4, Het Ram, Zille Singh, Delol, Dalip Singh, Mohinlar Singh sons, Pran, Phuloo; daughters; Mst. Dhanwanti wd/o Rana Ranjit in equal shares-1/8, Margian-son-1/8; of 1 share, Subh Ram s/o Bhuru-1 share, Liak Ram, Puren ss/o Anrit in equal shares -1 share, Ram Kishan, Tej Ram ss/o Mohr Chand in equal shares-1/2, Jag Roshan-daughter, Mst. Atri wd/o Rana Kala in equal shares-1/2 of 1 share.	795/1.	0 - 18	Sailab Dehri.
3.	Uddid Singh, Balwan Singh ss/o Rattan in equal shares.	793/1.	0 - 18	Sailab Dehri.
4.	Jodha s/o Ram Lal.	791/1.	11 - 08	-do-
5.	Ram Kala s/o Hoki, Lal Chand s/o Hoji Ram in equal shares.	786/1.	6 - 15	Chahi.
6.	Dhan Singh s/o Chet Ram.	785/1.	2 - 10	Chahi.
7.	Ajit Singh, Kaptan Singh -sons, Chemeli-daughter, Mst. Har Kaur wd/o Ram Pat in equal shares-11 shares, Ram Narain, Jugti, ss/o Bhuru in equal share= 16 shares.	789/1.	4 - 04	Sailab Dehri.
8.	Ram Gopal s/o Goverdhan.	788/1.	3 - 16	Sailab Dehri.
9.	Bhola s/o Bikhan.	792/1.	1 - 11	Sailab Dehri.
10.	Gaon Sabha.	787/1.	0 - 05	Gn. Khal.
Total ...			33 - 05	

'CLAIMS AND EVIDENCE'

The following claims have been filed by the claimant

detail of which is as given below:-

Sl.No.	Name of the claimant(s):	Compensation demanded.
1.	Jodha, s/o Ram Lal.	Rs.5000/- per bigha. for the land.
2.	Ram Kala s/o Lal Chand etc.	Rs.5000/- per bigha. for the land.
3.	Ram Gopal s/o Goverdhan.	Rs.5000/- per bigha.
4.	Jugti s/o Bhuru.	Rs.5000/- per bigha.
5.	Ajit Singh etc.	Rs.5000/- per bigha.
6.	Ram Kishan, Tej Ram ss/o Siri Chand etc.	Rs.5000/- per bigha.
7.	Dhan Singh s/o Chot Ram.	Rs.5000/- per bigha.
8.	Ram Farain s/o Bhuru.	Rs.5000/- per bigha.
9.	Palto, Jai Lal ss/o Kanhya.	Rs.5000/- per bigha.
10.	Daya Ram s/o Khushi Ram (occupant).	Rs.5000/- per bigha.
11.	Shri Umair Singh, Balwan Singh ss/o Rattan.	Rs.5000/- per bigha.

No evidence has been produced by any of the above claimants in support of their claims for compensation. Hence the rates of compensation demanded by them are not sustainable. They are entitled for compensation as discussed under the head 'Market Value'.

'MARKET VALUE'

The land under acquisition which is in the form of a strip adjoins and runs parallel to the Najafgrah Drain stretching from the Bijwasan to Najafgrah Road on the west, and connects the land of village Dhul Siras on the east. The abadi of the village Chhawla is situated at a distance of about 6 furlongs from the land under acquisition, some portions of which adjoin the land already acquired vide the award No.1974 of village Chhawala for housing the Head Quarters of the Reserved Battalion of the Border Security Forces. Just opposite to the land under acquisition on the otherside of the Najafgrah Drain is the land of village Barnoki acquired for the widening of the Najafgrah Drain in the reach between chhawla Bridge, to Kpkrula Regulator, in respect of which the award

has been drawn very recently.

The following sales transactions are reported to have taken place in village Chhawla during the last five years preceding the date of notification under section 4 of the Land Acquisition Act, viz, 19.3.1966 :-

Year:	Area:	Total sale price.	Average per bigha.
1961-62.	74 - 10	Rs.9,200/-	Rs.123.50ps.
1962-63.	---	--	--
1963-64.	1 - 11	Rs.750/-	Rs.483.87ps.
1964-65.	--	--	--
1965-66.	0 - 10	Rs.3,000/-	Rs.6,000/-.

From the above statement it is seen that there was no sale during the years 1962-63, and 1964-65. The sales transactions which were taken place during the year 1961-62, include the sale of the khasra No.797 measuring 3 bighas and 19 biswas, which was sold along with another khasra No.52/1, measuring 25 bighas and for a sum of Rs.3000/-, thus yielding an average of Rs.103.28ps. per bigha. The khasra No.797 is near the khasra No.795 which forms a part of the present acquisition. However, the date of registration of the said sale is 14.8.1962, whereas the date of the notification under section 4 of the Land Acquisition Act of the present award is 19.3.1966. As such, the rate involved in the said sale appears to be too low and it cannot be relevant for arriving at the correct market value of the land under acquisition. The sales transactions which were taken place during the year 1963-64, include the sale of the khasra No.357/1, measuring 5 biswas only for a consideration of Rs.500/- thus yielding an average of Rs.2000/- per bigha. This khasra No.357/1 is situated very close to the abadi abutting on the Bijwasan to Najafgrah Road, whereas the land under acquisition, as stated above is situated at a distance of about 6 furlongs. Hence the rate involved in the said sale is too high and it cannot be applied for assessing the correct market value

of the land under acquisition. During the year 1965-66, vide the mutation No.1272 only one sale transaction is reported to have been executed on 30.7.1966, according to which the khasra No.103 measuring 10 biswas only was sold for a sum of Rs.3000/-, thus yielding an average of Rs.6000/- per bigha. The said mutation, however, has been rejected by the Competent Authority. Besides, this khasra No.103 is situated near the abadi of village Chhawla, and hence the value seems to be too high for assessing the market value of the land under acquisition.

As stated above, recently the award No.1974 of village Chhawla has been announced for the land acquired for housing the Headquarters of the Reserved Battalion of the Border Security Forces. In the said award the date of the notification under section 4 of the Land Acquisition Act is 25.7.1966, and the compensation awarded by the Collector, is @ Rs.1000/- per bigha. This land is adjacent to the Bijwasan to the Hajafgrah Road and is closer to the abadi of the village Chhawla. Besides, this land is situated on a comparatively higher level than the land under acquisition. As such this rate cannot be equated with the rate of the land under acquisition.

As also stated above, an award has been recently drawn for the land acquired for the widening of the Hajafgrah Drain in the reach between the Chhawla Bridge to Kakraula Regulator. This land is situated just opposite to the land under acquisition on the other side of the Hajafgrah Drain. In the said award, the compensation @ Rs.600/- and Rs.700/- per bigha respectively was allowed. The date of the notification under section 4 of the Land Acquisition Act of the said award is 27.5.1967, and the date of notification u/s 4 of the L.A. Act of the present award is 19.8.1966. But the land under acquisition is slightly on a higher level and is better situated than the land acquired under the above said award. Thus considering the above factors, I feel

that the rate of Rs.750/- per bigha will be a fair and reasonable market value of the land under acquisition, and I award accordingly.

'OTHER COMPENSATIONS'

There is neither any structure, well nor any tree on the land under acquisition, therefore, the question of assessment of compensation does not arise.

INTEREST: As stated above under the head 'Introduction', no regular possession of the land under acquisition was handed over by the Land Acquisition Collectorate to the Acquiring Department under section 17 of the L.A. Act, but the possession of the Flood Control & Drainage Department had already existed. Hence the owners are entitled to simple interest @ 6% per annum with effect from the date of notification under section 4 of the L.A. Act viz. 19.8.1966 upto the date of transfer of payment i.e. 19.11.1967 and the amount for interest to be awarded on 20.11.1967.

15% solatium: As provided under section 23(2) of the Land Acquisition Act, the owners will be paid 15% solatium for Compulsory nature of acquisition.

'APPORTIONMENT'

The compensation will be paid according to the latest entries in the Revenue Record in presence of the parties as per the details noted in the Ragsha Muntiziman. In case of dispute it will be sent to the Additional DISTRICT JUDGE, Delhi for adjudication.

The compensation regarding khasra Nos.792/1 will be paid in presence of the respective bhumidar and the occupant, and in case of dispute it will be sent to the Additional District Judge, Delhi for adjudication.

The compensation regarding khasra No.787/1 will be paid after due verification from the relevant authorities.

'SUMMARY OF THE AWARD'

Compensation for the land measuring 33 bighas and 5 biswas @ Rs.750/- per bigha.	Rs.24,937.50
15% of the above as solatium for compulsory nature of acquisition.	Rs. 3,740.62.

	Rs.28,678.12 ps.
Interest @ 6% p.a. from 19.8.66 to 19.11.1967(one year & 93 days).	Rs. 2,159.11

Total	Rs.30,837.23

The land is assessed to a land revenue of Rs.15.85ps. which will be deducted from the Revenue Roll of Kharif, '67.

Compd.
8/12/67
NTH

(Zal Bawsherwanji)
Land Acquisition Collector(DS),
Delhi/10.11.1967.

The award will be announced
on 8-12-67. Prepare Begla
Memorandum A Statement and
inform all concerned
- 230 11/67

Shri Jagat / Datta / Sami
Date 20/11/67
Wid 20/11/67
20/11/67

8/12/67

मिसल पेश हुई / आवाज दिलवाई
गई / निम्नलिखित व्यक्ति उपस्थित हैं :-

1. धन कौर बेका खत
2. रेशनी पत्नी राम किरण कुत्री राम कला
3. अत्रा बेका राम कला

R.T.I. 19/11/67

R.T.I.

R.T.I.

4. हरकौर देवा पतरण

5. अजित सिंह
पुत्र पतरण

6. पूरा सिंह पुत्र
अजित सिंह

7. लाल
पुत्र

RTI of
Hankam

self &
Chaueli
Kaplan
bridge, sister
and brother
minors.

10/1/13

8. उमेश सिंह पुत्र अजित सिंह

9. सुभराज पुत्र
अजित सिंह

10. प्रताप पुत्र अजित सिंह

उमेश सिंह

LT. of
Anbham

RTI
of Palap.

12. जिल सिंह
पुत्र राजा नंद

13. पल्लु पुत्र कन्हैया

14. जैलाल पुत्र कन्हैया

Self Singh
for self and
on behalf of

LT.
Palta

LT.

1. Harjain Sp. Raju Ram

2. Shikharanti Sp. Rama Nand

3. Har Ram. Sp. "

4. Debal. Sp. Sp. "

5. Dulip Singh Sp. "

6. Mahendra Singh Sp. "

7. Phoolvati Sp. Rama Nand

8. Premvati Sp. Rama Nand

15. देवा राज
पुत्र सुभराज

16. चतन सिंह
पुत्र पतरण

17. जोधा राज
पुत्र राजा नंद

18. राज कला पुत्र
जेकी राज
16/11

19. लाल सिंह
पुत्र मोती राज

20. तेज
पुत्र

21. जगत राज पुत्र
बुरु

22. राजनाथरा
पुत्र बुरु

23. बुरु

Signature

आवाड नं. 2043 पह कर अनुनाया गये
अनुन कर तसलीम किया गया।

Signature
रुल. रु.
दिल्ली