A W A R D No. 2080

Name of the village: C H H A W L A

Nature of acquisition: Permanent.

Purpose of acquisition: Remodelling of Najafgarh Drain from village Jhatikra to Chhawla Bridge.

A W A R D

These are proceedings for determination of compensation U/s 11 of the Land Acquisition Act of 1894. The land measuring 16 bighas 13 biswas situate in village Chhawla was notified U/s 4 of the Land Acquisition Act read with section 6 & 17 of the Land Acquisition Act vide Notification No.F.15(69)/66-L&H(i) dated 31.12.66 for a public purpose namely for "Remodelling of Najafgarh Drain from village Jhatikra to Chhawla Bridge". Notices U/s 9 & 10 of the Land Acquisition Act were issued to the persons interested and claims filed by them are discussed hereafter under the heading "COMPENSATION CLAIMS".

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

Field No.	Area Big. Bis.	Kind of soil.
1 etc./796/1	0 - 11	Parti Jadid.
1 etc./797/1	1 - 9	Parti Jadid.
1 etc./798/1	6 - 2	Apash.
1 etc./799/1	0 - 7	Ghir Apash.
1 etc./807/1	0 - 1	-do-
Total	8 - 10	

~~owing to~~ CLASSIFICATION OF THE AREA

Apash.	6 bighas 2 biswas.
Ghair Apash.	0 bigha 8 biswas.
Parti Jadid.	2 bighas 0 biswas.
Total	8 bighas 10 biswas.

Owing to change in alignment tof Bund an area of 8 bighas 5 biswas notified is no longer needed by the department, the details of which are as follows:-

Contd....2/-

An area of 10 bisw s out of field No. 1 etc/796, 1 bigha 1 biswas out of field No.1 etc./797, 4 bighas 19 biswas out of field No. 1 etc./798, 11 biswas out of field No.1 etc/~~807~~x 799 and 13 bisw s out of field No.1 etc/807, 8 biswasout of field No. 1 etc/800 and 1 biswa out of field No.808 are no longer required and as such action will be taken to get them denotified. Further the demarcation reveals that an area of 1 bigha 10 biswas out of field No.1 etc./806 are further required by the department for the compeltion of the drain. The Tehsildar(Notification) will take necessary action to get the aforesaid area notified or denotified as discussed above.

COMPENSATION CLAIMS:

The following persons have filed claims for compensation:-

S.N.	Name of the claimant.	Compensation claimed.
1.	Sh. Abhya Ram, Siri Kishan, Siri Niwas ss/o Lakhi Ram, Smt.Khazani, Smt.Sukma d/o Lakhi Ram, Smt. Darkan wd/o Lakhi Ram.	Have claimed compensation for Kh.No.799/1 measuring 7 biswas at the rate of Rs.3/-per sq yd.
2.	Sh.Manga, Dharma, Inder, Badlu ss/o Mamon.	Have claimed compensation for Kh.No.796/1 measuring 11 bis. @ Rs.3000/-per bigha kham.
3.	Sh.Bhey Ram, Dhani Ram ss/o Sukh Lal, Smt.Maha Devi., d/o Sukh Lal , Smt.Ram Payri wd/o Sukh Lal.	Have claimed compensation for Kh.No.798/1 measuring 6 bighas 2 biswas @ Rs.3000/-per bigha kham.
4.	Tek Chand, Ram Kala ss/o Kalu.	Have claimed compensation for Kh.No.797/1 measuring 1 bigha 9 biswas @ Rs.3000/-per bigha kham.

DOCUMENTARY EVIDENCE:

Most of the claimants have relied on the following documentary evidence which they filed in respect of their claims.

Copy of sale deed dated 21.3.67 in respect of Kh.No.357/1 Village Chhawla where in land measuring 5 biswas was sold on a consideration of Rs.1401/-.

MARKET VALUE:

The market value to be ascertained is the value to the owner of the land in its actual conditon at the date of publication

Cond....3/-

of notification under section 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 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 is of particular importance or in ~~all~~ other words lands must be actually parallel. The claimants in this case have put forth exorbitant and all almost imaginary claims regarding the market value of the land without any corroborative evidence, whatsoever. The sale deed cited by some of the claimants has hardly any resemblance with the land under acquisition. Besides being small in size which always fetches lucrative price, it is located in close proximity to the abadi abutting on the Bijwasan to Najafgarh Road. Hence this sale deed has to be discarded in evaluating the market value of the land.

Efforts were made at this end to find out the parallel sale deeds in the village nearest to the material date so as to evaluate the market value of the land. The following statement shows the various sales transactions made during the year, 1964-1964-1966:

S.N.	Mutation No.	Date of regn.	Field No.	Area	Consideration money	Average per bigha.
1.	1224	22.9.62	771, 302	16 - 12	Rs.3200/-	Rs.192.77P.
2.	1234	14.3.62	797,52/1	28 - 19	Rs.3000/-	Rs.103.60
3.	1245	4.1.64	301,300	1 - 6	Rs. 250/-	Rs.192.31
4.	1272	20.7.66	103/1	0 - 10	Rs.3000/-	Rs.6000/-

Only the sale deed at S.No.4 is nearest to the material date. But this sale deed cannot be taken into account as the

Contd...4/-

sale transaction relates to a very small piece of land which always fetch a lucrative prices. Moreover, this Kh.No. abuts near the abadi of village Chhawla anddue to high potentiality it cannot be taken as a proper examplar. In the absence ofany suitable sale deed there is no other alternative except to reso--rt the previous awards. In award No.2043, the material date of which was 19.8.66, certain lands were acquired for widening of Najafgarh Drain from Chhawla Bridge to Kakrola Regulator. The Land Acquisition Collector after taking the previous awards into consideration assessed the market value at the rate of Rs.750/-per bigha kham. The land under acquisition is quite parallel in all circumstances to the land referred to in award No.2043 except that Bijwasan Najafgarh Road intervenes between the two. But there is one important aspect which has to be taken into consideration, the land under acquisition was notified on 31.12.66 whereas the land referred to in award No. 2043 was notified on 19.8.66. Since the present notification was issued after about 4 months some appreciation in prices has to be given in evaluating the market value of the land. Consequently, a sum of Rs.800/-per bigha kham is assessed at a flat rate for all land covered in the notification.

TREES WELLS AND OTHER STRUCTURES: NIL.

15% FOR SOLATIUM:

15% solatium will be paid over and above, the compensation assessed under section 23(1) clause firstly.

APPORTIONMENT:

Compensation will be paid on the basis of the latest entries in the revenue records.

SUMMARY OF THE AWARD:

S.N.	Area Big.Bis.	Rate per bigha.	Amount of compensation.
1.	8 - 10	Rs.800/-	Rs. 6,800.00
2.	Add 15% for compulsory acquisition:		Rs. 1,020.00
		G. Total	Rs.7,820.00P.

Contd.....5/-

LANDREVENUE DEDUCTION:

The land under acquisition is assessed at Rs.2.79 as land revenue which will be deducted from the Khalsa Rent Roll of the village from the date of taking over possessionof theland.

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

Sd/-
CAC (MB).

Announced & [illegible]

Sd/-
20/3 CAC