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SUPPLEMENTARY AWARD No. 49/82-83

NAME OF THE VILLAGE : CHHAWALA
NATURE OF ACQUISITION : PERMANENT
PURPOSE OF ACQUISITION : FOR INCREASING THE CAPACITY
OF NAJAFGARH DRAIN.

These are the supplementary proceedings of Award No. 49/82-83 which was announced on 8.11.1982. The land in this case was notified u/s 4 vide notification No. F.7(103)/79/L&B(1) dated 13.1.82 for increasing the capacity of Najafgarh Drain. Possession of the land was taken over on 27.2.1981. The total area acquired in this award was 4 Bighas

After the announcement of the above award, the Land Acquisition Act, 1894 has been amended and the Amendment Act came into force w.e.f. 24.9.84. However, as per provision of section 30 of the Land Acquisition (Amendment) Act, 1984, certain provisions of the Act are to take effect from 30.4.82. Hence, the need for the supplementary award has arisen.

Under the Amended Act, the provisions of section 23(1) have been amended by providing a new sub-section 1(A) of section 23 of the Principal Act as inserted by clause A of section 15 of the Amended Act. By this amendment, the interested persons will get an amount calculated @ 12 % p.a. on the market value for the period commencing on and from the date of publication of the notification u/s 4 till the date of the award of the Collector or date of taking over possession of the land whichever is earlier. Similarly, section 23(2) of the Principal Act has been amended by clause A of section 15(b) of the Amendment Act by which the interested persons will be entitled solatium @ 30 % instead of 15 %. Section 34 of the Principal Act has also been amended by section 20(b)

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of the Amendment Act by which the interested persons will be entitled interest @ 9 % for the first year and 15 % for subsequent years instead of 6 % from the date of possession till the ~~amount is paid~~. All these amendments are to take effect from 30.4.82 as per provision of section 30 of the Amendment Act, 1984.

Keeping in view the provisions of the Amended Act, the interested persons/bhumidars of Award No. 49/82-83 which was announced on 8.11.1982, are entitled for payment of solatium @ 30 % on the market value, 12 % as Additional amount w.e.f. 13.1.81 to 26.2.81 & Interest @ 9 % from 27.2.81 to 7.11.82.

As per above discussion, the following amount is allowed to the interested persons of the above award. This amount shall be apportioned as per the original award No. 49/82-83.

SUMMARY

Compensation for the land measuring 4 Bighas @ Rs.2750/- per bigha	Rs.11,000-00
30 % solatium	Rs. 3,300-00
	Rs.14,300-00
12 % additional amount on Rs.11,000/- from 13.1.81 to 26.2.81 (44 days)	Rs. 159-12
Instt.9 % from 27.2.81 to 7.11.82 (253 days) on Rs.14,300/-	Rs. 892-09
Damage of crops measuring 3 Bighas 12 Biswas @ Rs.450/- per bigha	Rs. 1620-00
	Rs. 16971-21
Less already paid	Rs. 14415-56
Net payable	Rs- 2555-65

VED

(Rupees Two Thousand Five Hundred Fifty Five and paise Sixty Five only)

(Revenue)
Delhi.

Amount in Rs. 2555-65
and 65 paise
55/c

(D.B.KUBBA)
LAND ACQUISITION COLLECTOR(N)
DELHI. *55/c*

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Sh. Bhai Ram 8/9 Sh. Sukh Lal present
Amount announced,

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L.A.C. 17/8/85

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A W A R D N O. 49/82-83

N A M E O F T H E V I L L A G E : C H H A W L A

N A T U R E O F A C Q U I S I T I O N : P E R M A N E N T

P U R P O S E O F A C Q U I S I T I O N : F O R I N C R E A S I N G T H E C A P A C I T Y
O F N A J A F G A R H D R A I N .

These are proceedings for determination of compensation u/s 11 of the Land Acquisition Act, 1894. The land situated in village Chhawla measuring 4 bighas 4 biswas was notified u/s 4 of the L.A. Act vide notification No.F.7(103)/79-L&B(1) dated 13.1.81 for a public purpose namely for Increasing the capacity of Najafgarh Drain. Provisions of sub-section (1) of section 17 were also applicable to this area. Hence the interested persons were not given any opportunity to file their objections u/s 5-A. The Delhi Administration issued a declaration u/s 6 of the said Act vide notification No.F.7(103)/79-L&B(1) dated 13.1.81. In pursuance of the above declaration u/s 6, notices u/s 9 & 10 were issued to all the interested person to file their claims. The claims filed by them are discussed under the heading 'Claims'.

M E A S U R E M E N T A N D C L A S S I F I C A T I O N O F L A N D

The area under acquisition as given in the declaration u/s 6 is 4 bighas 4 biswas. AT the time of measurement by the field staff, it was found to be 4 bighas only. The difference of 4 biswas is due to the fact that out of Kh. No.85/2 and 85/3, one biswa and three biswas ^{reporting} have already been acquired vide award No.31/80-81 along with other Khasra numbers. Hence, 4-00 bighas is being acquired in this case.

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Balaram
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The details of khasra numbers are as under:-

Rect.No.	Khasra No.	Area	Kind of land
83	24/1	0-17	G.Abpash
	25/1-2/1	1-00	-do-
85	3/2/1	1-15	Vacant
	9/1	0-08	Parti Jadid
		<u>4-00</u>	

The land owners have not raised any objection regarding the measurement & ~~class~~ classification of the land. At present there is no other alternative left with us except to agree with the classification and measurement as proposed by the field staff and from the revenue records. As per the site inspection at the time of taking possession on 27.2.81, Kh.No.83//24,25 and 85//3 found abpash and Kh.No.85/9 Parti Jadid.

CLAIMS

The following persons have filed their claims in pursuance of notices issued to them u/s 9 & 10 of the L.A. Act.

S.No.	Name of the claimant	Claim	Remarks
1.	Bhey Ram s/o Sukh Lal	Claimed compensation @ Rs.10000/- per bigha for land & Rs.3000/- for crops.	No evidence produced.
2.	Addl. Deputy Commissioner, Lands & Estate Deptt, Municipal Corporation of Delhi.	Claimed compensation @ Rs.100/- per sq.yd.	As per revenue records, the land has been shown in the name of Gaon Sabha.

POSSESSION

The possession of the land under acquisition has been taken over and handed over to the Acquiring Department on 27.2.81.

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Balaram Singh

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MARKET VALUE

The market value of the land is ~~obviously~~ to be assessed after keeping in view the situation, advantages and potentialities attached to the land on the date of notification under section 4 of the Land Acquisition Act. The land use is also to play an important role in deciding the market value of the land. It has been seen that the provisions of the Delhi Land Reforms Act are applicable and thus restrictions contemplated under section 22 and 23 of the Delhi Land Reforms Act are applicable and land can only be used for agriculture, horticulture or animal husbandry etc.

The claimants have claimed compensation @ Rs.100/- per sq.yd. but have not produced any documentary evidence in support of their contention. Thus the claims appear to be exorbitant. In order to determine the market value of this land, sale transactions and previous awards are to be considered. 8 awards are reported to have announced in this village but the following two awards appear to be relevant in this case:-

Award No.	Date of Notification & No. u/s 4	Rate per bigha.
31/80/81	F.7(6)/79-L&B dt.18.4.79	Rs.2000/-.
124/80-81	F.7(73)/78-L&B dt.30.5.79	Rs.2500/-

Out of the above two awards, award No.124/80-81 is later in time. Moreover the land in this case is situated on one side of the road whereas on the other side the land is being acquired in the present case. I, therefore, make award No. 124/80-81 basis in this case for determining the market value of the land. The date of notification u/s 4 in the above award is 30.5.79 whereas in the present case it is 13.1.81. After giving appreciation of 6% per annum on the

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market value of the above award, it would be fair and reasonable if the market value of the land is assessed @ Rs.2750/- and I award the same accordingly.

OTHER COMPENSATION

TREES WELLS & STRUCTURES

There is no tree, well & structure on the land now under aquisition.

CROPS

There are wheat crops in Kh.No. $\frac{83}{24/1, 25/1,}$ $\frac{85}{3/2/1}$

total measuring 3 bighas 12 biswas. ~~xxxxxx~~ The average yield of wheat per bigha ranges from 250 kilogrammes to 300 K.G. whereas the average of fodder would be double than that of the yield of wheat. Keeping in view this, I fix a sum of Rs.450/- per bigha for the crops. In case they have been allowed to harvest their crops by the Flood Department, they will not be paid compensation on this account. The payment in respect of crops may be made after confirming from the Flood Department.

SOLATIUM

As provided under sub-section 2 of section 23 of the L.A. Act 1894, the persons interested are entitled to have 15% solatium on the market value of the land.

INTEREST

The possession of the land has been taken over on 27.2.81. So the persons interested are entitled to have interest on the market value from the date of taking over possession till the announcement of the award.

APPORTIONMENT

These persons interested shall be paid compensation according to the latest entries in the revenue records. In case of any dispute, the payment shall be made after an amicable

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settlement between the parties concerned ^{fairly} the matter shall be referred to the court of Additional District Judge, Delhi for adjudication.

LAND REVENUE DEDUCTION

The land revenue worked out to Rs. 0-37 shall be deducted from the rent roll of the village w.e.f. taking over possession of the land.

SUMMARY OF THE AWARD

Compensation for land measuring 4 bighas Rs. 11,000.00
@ Rs. 2750/- per bigha.

15% solatium

Rs. 1,650.00

Rs. 12,650.00

Rs. 145.56

Interest from 27.2.81 to 7.5.81
(70 days)

Rs. 1,620.00

Damage of crops measuring 3 bighas
12 biswas @ Rs. 450/- per bigha.

Rs. 14,415.56

GRAND TOTAL

(Rupees Fourteen thousand Four hundred Fifteen and paise fifty six only).

(D.B. KUBBA)
LAND ACQUISITION COLLECTOR(N)
DELHI.

8/11/81

Amount in
your cash office
8/11/81

Rs. 12(2) of the LA Act
be given to those persons who are not
named. 8/11/81

Balaram
Biswas

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कल्ला कार्यवाही मौजा कावला

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आज दिनांक 27-2-81 को मुलाबिक प्रोग्राम शुमि आदेशन
आधिकारी नरेला के आदेशानुसार मौके पर पहुंचा श्री चिंजीमाल
पटवारी (उत्त.श.) सुरजमान चपरासी (उत्त.श.) के साथ कावला
देने कल्ला पहुंचा। मौके पर वाद नियन्त्रण विभाग की ओर से
श्री एस. एस. गुमारी (जे.ई.) हाजिर मिले। मौके पर नम्बरान
खसरा - 83

24/1	25/1	85
0-17	1-0	3 3/4 9/1
		कुल लादाही 4 बीघे

जिस पर शुमि आदेशन आदेशन की द्वारा 4, 6, 17 लागू है।
और मौके पर नम्बरान खसरा 83
में 24 25 85
1 1 3
में

85 9/1 मौके पर खाली पड़ा है। 80रेक्ट नम्बरान खसरा के यहाँ
तरफ चुना फिर कर बुर्जियात खास लगवा कर कल्ला वाकई
कसल सादत हासिल करके उसी समय श्री एस.एस. गुमारी (जे.ई.)
मौके पर के हवाले फसल सादत किया गया। इस कल्ला कार्यवाही
में मुनादी व मुस्तदरी मौके पर व वेदजा में श्री सुरजमान चपरासी
का आवाज बुलन्द कराई गयी। मौके पर शुमिधारान में से कोई
जिरे नहीं मिला पटवारी हुक्का सरकारी कार्य होने की वजह से
जिरे नहीं हो सका। इसलिये इस कल्ला कार्यवाही की एक नकल
सीलदार महरौली को 11 कागजात माल में कामल बरामद के
ए भिजवा दी जावेगी। कल्ला कार्यवाही के समय कोई कल्लाई
नहीं आयी। कल्ला कार्यवाही कल्ला मुकम्मल हो चुकी है।

Handwritten signature
27/2/81
(S.S. Gulab)
J.E.

Chinajamal
Partwar
27-2-81

Handwritten signature
27/2/81
M.R.A.

Handwritten signature
27/2/81