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AWARD NO. 02 / 1999 - 2000

Name of Village : Civil Station

Nature of Acquisition : Permanent

Purpose for Acquisition : Mass Rapid Transit System

These are the proceedings for acquisition of land U/s 11 of Land Acquisition Act, 1894 notified for the purpose of Mass Rapid Transit System Project. The notification for land measuring 4 bighas and 15 biswas was issued by the Land & Building Department on 12.6.97 U/s 4 & 17 vide notification No.F.7(35)/95-L&B/LA/II/5316 of the Land Acquisition Act. The declaration U/S 6 Land Acquisition Act was issued vide Notification No. F7 (35) 95 L & B /II /8918 dated 28.07 97. The entire area mentioned comprised 8 properties of Civil Station particularly at Sham Nath Marg in a scattered manner. The details of the properties is as under :-

Sl.No.	Name & No. of property	Khasra No.	SQM	Area	
				Bigha	Biswa
1.	34, Sham Nath Marg	363-Min	206	0	05
2.	32, Sham Nath Marg	364-Min	366	0	09
3.	18, Sham Nath Marg	395-Min	751	0	18
4.	16, Sham Nath Marg	424-Min	558	0	13
5.	15, Sham Nath marg	537-Min	456	0	11
6.	13, Sham Nath Marg	537-Min	506	0	12
7.	12, Sham Nath Marg	426-Min	925	1	02
8.	7, Sham Nath Marg	534-Min	215	0	15
Total Area			3983	4	15

The due publicity of the notification was given through important dailies having the largest circulation in Delhi for the knowledge of the interested parties. The notification under section 6, Land Acquisition Act, 1894 was published in The Indian Express (English) on 4.8.97 and in Dainik Jagran (Hindi). Since, the notification was issued U/s 17(1) of the Land Acquisition Act, which is an emergency clause, the provision of section 5(A) Land Acquisition Act was dispensed with. Notices U/s 9 & 10 were issued inviting claims from the owners/ interested persons of the properties and there are a number of claims filed by the affected parties. This will be discussed in details under the headings Claims & Evidences.

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## MEASUREMENT AND TRUE AREA

According to the notification U/s 4 & U/s 6 of the Land Acquisition Act, 1984, there were 8 plots falling in different Khasra Numbers along Sham Nath Marg on both sides of the road. As per the measurement of the properties as notified by the Land & Building Department vide Notification dated 28.7.97 U/s 6 of the Land Acquisition Act, there was no discrepancy between the land notified and those measured and available on site. In this way it is quite apparent that the area notified is true in measurement and is readily available for the acquisition of the project, measuring 4 bighas & 15 biswas. However, a civil writ petition No. 3053/98 has been filed in the High Court by the owners of the property No.34, Alipur Road falling in Khasra No.363 challenging a proposal for acquisition of the entire property for some other project. The Hon'ble Court has passed the following order :-

" the respondent No.2 is restrained from interfering in the possession of the petitioners property "

Out of the total area available at 34 Sham Nath Marg, area of 206 sq.mt. only is under process for acquisition for this project. Since the order is only for stay against dispossession, the award in respect of proposed property is drawn and the compensation assessed accordingly.

## CLAIMS & EVIDENCES

In response to the notices issued by the undersigned in the capacity of Land Acquisition Collector the following owners/interested persons have filed their claims :-

Sl.No.	Name of Party Owner /Interested Persons	Property No./ Khasra No.	Claim /Remarks
1.	Vinod Kumar S/o Late Sh. Sham nath Arun Kumar S/o Late Sh.. Sham Nath Veena Rani W/o Sh, F.C. Robberts Through her Attorney Arun Kumar	12, Sham Nath Marg 426-Min	(I) Rs.100000/- per sq.yd. (ii) Gate House Rs.3,50000/- Pump Room Rs.1,75000/- Rain Water sump Rs.8,50000/- Rain water Drainage Rs.7,50000/- Water meters & Lines Rs.500000/- Electricity Metre & Lines Rs.7,50000/- Lawn Trees & Water fall Rs.500000/- Boundary Wall & lights Rs.1400000/- Pillars & Porch Total Rs.2,750000/-
			(iii) Unacquired land in habitable and in capable of being used for any purpose

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result of the compulsory acquisition  
off the claimant land Rs.3000000000  
(iv) Solatium, additional amounts and interest  
U/s 23(1A), 28 and 34 of the Land  
Acquisition Ac as per amendment act  
68 of 1984

- |    |  |  |   |
|----|--|--|---|
| 2. | Annop Dhawan   | 32, Alipur Road<br>364-Min                 | (I) Boundary Wall 95 ft. @ Rs.600/- per<br>running feet 95X600= Rs.57000/-<br>(ii) Rs.30000/- per sq.mt.  |
|    | Kanwar Kishan Dhawan   | 32, Alipur Road<br>364-Min                 | (I) Cost of land @ Rs.25000/- per sq.mt.<br>299X25000= Rs.74,75,000/-<br>(ii) Cost of Boundary Wall & super structure<br>of garage Rs.3, 25000/-<br>Total Rs.7800000/-  |
| 3  | B.S. Parmar,<br>General Manager, E.I.H. Ltd.<br>The Oberoi Maidens                                       | 7, Sham Nath Marg<br>534-Min               | (I) Rs.100000/- per sq.mt.  |
| 4. | Ranjeet Singh Sibbal<br>Manjeet Singh Sibbal   | Flat No.1 of<br>32, Alipur Road<br>364-Min | (I) Land @ Rs.25000/- per sq.yd.<br>(ii) Boundary Wall @ Rs.600/- per running<br>feet   |
| 5. | Bimla Devi<br>Ajay Kumar<br>Sanjay Kumar<br>Shankutla Devi<br>Suresh Chand<br>Mahesh Chand<br>Ram Dulari | 16, Sham Nath Marg<br>424-Min              | (I) Compensation @ Rs.100000/- per sq.mt.   |
| 6. | Dr. Pawan Maheshwari<br>Hony. Joint Secretary<br>Sant Parmanand Blind Relief Mission                     | 18, Sham Nath Marg<br>395-Min              | No Claim  |
| 7. | Satish Chand Jain<br>& 27 others   | 34, Sham Nath Marg<br>363-Min              | (I) Compensation @ Rs.100000/- per sq.mt.<br>(ii) Alternative plot  |
| 8. | Anand Vihar Owners<br>Association (Regd.)  | 16, Sham Nath Marg<br>424-Min              | (I) Compensation for the land 13 biswas=<br>667 sq.yd. @ Rs.40000/- per Sq.yd.<br>Total Rs.2,66,80,000/-  |
| 9. | Mira Chawla<br>Proprietor, Exchange Store  | 13, Alipur Road<br>537-Min                 | (I) Cost of Building Rs.200000/-<br>(ii) Drive way Rs.50000/-<br>(iii) Island for Petrol Pump Rs.45000/-<br>(iv) Hoarding and other signs Rs.30000/-<br>(v) Showroom Glass Rs.5000/-<br>(vi) Value of underground tank Rs.45000/-<br>(vii) Value of dispensing unit Rs.90000/-<br>(viii) Electric wiring and connection<br>Rs.30000/-<br>(ix) Water connection Rs.10000/-<br>(x) Wooden fixed fixtures Rs.20000/-<br>(xi) Compressor Rs.40000/- |

*Anam Mishra*

- (xii) Cost of service station with service boys  
Rs.10000/-
- (xiii) Canopy in front of showroom Rs.10000/-  
Total cost appr. Rs.6,75,000/-

10. P.C. Khanna & Sons 13, Sham Nath Marg (I) Rs.100000/- per sq.mt.  
537-Min (ii) Solatium & Interest on compoundable  
basis upon the amount of  
compensation
11. Partner, Exchange Store -do- Suitable Compensation  
12. Partap Khanna 15, Sham Nath Marg (I) Rs.100000/- per sq.mt.  
Naveen Khanna 537-Min (ii) Solatium & Interest on compoundable  
Parveen Khanna basis upon the amount of compensation

A perusal of all the claims reveals that none of the claimants have filed any evidence in support of their claims, which were exorbitantly high. These claims were considered on merits and rejected since these are not supported by any documentary evidence and do not bear the true worth.

## MARKET VALUE

The Land under acquisition is located in the Civil Lines Area, which has been a well-developed urban locale over long period. This area is dotted with beautifully constructed private bungalows, Govt. of Delhi Officers' flats / bungalows, and Government Offices. The land use in this locality is mainly Residential. These were kept in mind while arriving at the market value. The market value of land under acquisition is determined with reference to the date of notification U / S 4 of the Land Acquisition Act, which is 12/06/97 in this case.

For arriving at a fair market value, firstly the properties sold in the area and their values registered in the office of Sub-Registrar over a period of five years were referred to. The details have been furnished as under: -

Sl.No.	Registration No.	Year	Name of Property	Khasra No.	Amount @ average rate per sq.yd.
1.	3704	1993	43/1-A Rajpura Road, Delhi		Flat
2.	4834	1994	34, Alipur Road, Delhi,	494-Min	Rs.124.13
3.	5609	1994	16A/1, Shri Ram Road, Civil Lines , Delhi		Rs.2009.41
4.	2409	1995	5, Court Lane, Civil Line, Delhi		Rs.439.88
5.	43	1997	4, Raj Narain Road, Civil Lines, Delhi		Rs,105.18
6.	416	1997	8, Underhill Road, Civil Lines, Delhi		Rs.882..35

Secondly, the ' Schedule of Market Rates ' for land transfers in Delhi issued by Ministry of Urban Affairs Employment, Govt. of India, for 1 St April 1996 till 31 St. March 1998 was also referred to for determining the market value.

*Anum. Mohan*

of land under acquisition. The prevailing rates during the corresponding period were RS. 6300/ per sq. Mt. for residential areas and RS. 12600 / per sq. Mt. for commercial areas in their locality.

The above references regarding market rates were examined. It was noticed that there is wide variation among the rates mentioned in the registered sale deeds between the properties in the same neighbor-hood in the same year. The registered sale values also differ considerably over consecutive years for properties in the same locality. Hence the rates mentioned in the registered sale deeds were not relied upon while deciding the standard market rate for the lands under acquisition.

The ' Schedule of Market Rates ' fixed by the Ministry of Urban Affairs and Employment, Govt. of India for land transfers in Delhi for the corresponding period were taken as the standard market rates towards compensation. Keeping in view the level of development, locality and situation of the area and in the interests of justice, higher rate of compensation is allowed out of the rates available from various sources except in the case of property no. 34, Sham Nath Marg where different market rate is assessed due to reasons mentioned below. The market rate for lands under acquisition except 34, Sham Nath Marg is assessed at Rs. 6300 / per sq. Mt.

But the market value in respect of land measuring 206 sq. metre in 34, Sham Nath Marg is assessed at a different rate than above since, during the year 1994, the interested persons who have filed their claims had purchased the total land in the premises from the previous owners at a rate of RS. 124.13 per sq. Yards or Rs.148.48 per Sq.Mt. This rate has been registered as the price paid in the registered sale deed executed by the same persons who have filed claims @ RS. 100000/ per sq. metre. In view of this it is clear that the market value of this piece of land in the year 1994 was Rs. 148.48 per sq.metre. Appreciation @ 9% per annum is allowed over the purchase price paid in 1994 till 1997 i.e. for three years. Applying the rate of appreciation over RS. 148.48 per sq. metre, the rate of compensation allowable for 206-sq. metre of land works out to RS. 188.57 per sq. metre. *The copy of registered sale deed on which basis the market value is assessed is annexed as Annexure-A.*

#### OTHER COMPENSATION

- (a) **Solatium:** - The owners / interested persons are entitled to get 30% over and above the compensation amount decided on the basis of market rates as Solatium.
- (b) **Additional Benefits:** - The interested persons are also entitled to have additional benefits @ 12% per annum on the market value U/S 23(1)(a) of the Land Acquisition Act from the date of notification U/S 4 till the date of possession or the announcement of award which ever is earlier.
- (c) **Interest:** -Although there is a provision of 15% per annum as interest chargeable U/S 28 of the Land Acquisition Act, but in this case possession has not been taken over as yet, so interest is not allowed.
- (d) **Compensation for Super-Structure:** - The properties with super- structures such as boundary walls, small rooms, watch and ward rooms, gates were surveyed by Delhi Metro Rail Corporation (DMRC) the agency executing the Mass Rapid Transit System. DMRC also got conducted evaluation of these structures and submitted evaluation

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reports after duly vetted by the Public works Department of Govt. of NCT of Delhi. These were taken into consideration and compensation amount for super-structures, property wise is allowed accordingly as under : -

S.No.	Plot No. & Locality	Particulars of Structure	Length of Area	Valuation Cost	Total
1.	7 Sham Nath Marg	Boundary wall with gate & railing	33.36 mt	Rs19,563/-	Rs19,563/-
2.	12 Sham Nath Marg	a. Building b. Boundary wall	26.00 sq.mt 78.65 mt	Rs. 66,026/- Rs.1,21,714/-	Rs. 1,87,740/-
3.	15 Sham Nath Marg	Boundary wall with gate	36.70-mt.	Rs.19,972	Rs.19,972
4.	13 Sham Nath Marg	Building	25.37 sq.mt.	Rs. 62,019/-	Rs. 62,019
5.	16 Sham Nath Marg	a. Building b. Boundary wall with gate	8.59 sq.mt. 36.70 mt.	Rs. 18,636/- Rs. 27,774	Rs. 46,410/-
6.	18 Sham Nath Marg	Boundary wall with gate	50.90sq	Rs. 42,312/-	Rs. 42,312/-
7.	32 Sham Nath Marg	Boundary wall with gate	36.30 mt	Rs. 24,451/-	Rs. 24,451/-
8.	34 Sham Nath Marg	Boundary wall with gate	40.30 mt	Rs. 26,578/-	Rs. 26,578/-
Total					Rs. 4,29,045/-

(e) **Compensation for Trees: -** A survey of trees standing on the land to be acquired was conducted by the halka patwari. As per the survey report submitted by him 16 large trees and 63 small trees are standing. Taking an average weight of a large tree to be three tonnes and a small tree of one tonne, and the market value of the firewood to be RS. 1500/ per tonne; the compensation assessed per large tree is 4500/ per tree and RS. 1500/ per small tree.

(f) **Apportionment: -** The compensation as assessed is allowed in respect of each recorded property owner and to any other valid claimants. Based on the several court rulings regarding apportionment between the owner and the leesee, the share is allowed in the ratio 30:70 i.e. owner's share is 30% and the leesee's share is 70%. In case of any dispute regarding the apportionment of compensation, the matter will be referred to the Court of Additional District Judge for adjudication.

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## SUMMARY OF AWARD

<u>ITEM</u>	<u>IN RUPEES</u>
1. Compensation for the land measuring 3777 sq. metre @ RS. 6300/ per sq. metre	2,37,95,100 .00
2. Compensation for the land of property No. 34, Sham Nath Marg measuring 206 sq. metre @ RS. 188.57per sq. metre	38,845.00
Sub - Total:	2,38,33,945.00
3. Solatium @ 30%	71,50,183.00
4. Addl. Benefits @ 12% per annum for 2 years	57,20,146.00
5. Compensation for structures as assessed by PWD	4,29,045.00
6. Compensation for Trees	
For 16 Large Trees @ 4500/ per tree:	72,000.00
For 63 Small Trees @ 1500/ per tree:	94,500.00
Grand Total :	3,72,99,819.00

(Rupees Three Crores Seventy Two Lacs Ninety Nine Thousand and Eight Hundred Nineteen Only)

*Arun Mishra*  
( ARUN MISHRA )  
LAND ACQUISITION COLLECTOR  
CIVIL LINES, DELHI  
*Land Acquisition Collector*  
*Civil Lines, DELHI.*

*Approved*  
*27/7/99*

The award is drawn with the approval of Secretary(Revenue), Govt. Of NCT of Delhi and announced accordingly.

*Arun Mishra*  
27/7/99  
(4.00 PM)  
Land Acquisition Collector  
Civil Lines, DELHI.  
LAC - Civil Lines,  
Delhi.

Issue notices v/s 12(2), LA Act.

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*Arun Mishra*  
27/7/99.