

38

Award No. 13/95-96

NAME OF THE VILLAGE : DABRI  
NATURE OF ACQUISITION : PERMANENT  
PURPOSE OF ACQUISITION : PLANNED DEVELOPMENT OF  
DELHI i.e. DEVELOPMENT OF  
DWARKA PROJECT.

INTRODUCTORY

These are the proceedings under section 11 of the Land Acquisition Act, 1894 for determination of compensation in respect of the land measuring 4 Bigha 4 Biswa in village Dabri. The land is required by the Government for a public purpose namely for the Planned Development of Delhi i.e. Development of Dwarka Project at public expense. The land stands notified under section 4 of the land Acquisition Act vide notification No. F.10(49)/91-L&B/LA/(i) dated 21-9-93. In view of the urgency of the scheme, the provisions of section 17(i) of the Act were also made applicable to this land. The Delhi Administration issued a declaration under section 6 of the land Acquisition Act vide notification No. F.10(49)/91-L&B/LA/30573-30612 dt. 21-12-93. Notification u/s 17(i) was also issued on 21-12-93.

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 Notification under section 6 is 4 Bigha 4 Biswa. The area covered by the aforesaid notification was measured on the spot and found correct. Total area of Khasra No. 23/6 was 5 Bigha 16 Biswa out of which 3 Bigha 14 Biswa had already been acquired vide Award No. 2114. Remaining area in this Khasra No. is 2 Bigha 2 Biswa which is being acquired in this Award. Detail of total 4 Bigha 4 Biswa, which is under acquisition in the present Award is as under :-

| <u>Rectangle No.</u> | <u>Khasra No.</u> | <u>Bigha</u> | <u>Area</u> | <u>Biswa</u> |
|----------------------|-------------------|--------------|-------------|--------------|
| 23                   | 6/9               | 2            | -           | 02           |
|                      | 15                | 2            | -           | 02           |
|                      | Total             | 4            | -           | 04           |

Contd...

(SMAJIT LAL)



CLAIMS :

Only one claim, mentioned below has been filed in pursuance to the notice under section 9 & 10 issued to the interested persons :-

| <u>S.No.</u> | <u>NAME OF THE CLAIMANT</u>  | <u>Kh.No.&amp; Area</u> | <u>CLAIMS</u>               |
|--------------|------------------------------|-------------------------|-----------------------------|
| 1.           | Sh. Kude Ram and<br>Ram phal | Not given               | Rs.10000/-per<br>sq. yards. |

MARKET VALUE

For determining the market value of land as on 21-9-93 i.e. the date of notification under section 4 factors as detailed under section 23 of the Act and the factors such as awards announced in the recent past in the same village or in the adjoining villages, pronouncement of different courts, documentary proof filed by the interested persons, policy of the Government regarding valuation of land under acquisition in the area or in the vicinity, registered sale deeds, rates fixed by L&B Department etc. have to be considered. Inxkka

Since this area is heavily built up with residential and some commercial structures, which are existing on the land prior to the issuance of notification under section 4. In the recent past no award has been announced in the village or adjoining villages, which can form the basis of this Award.

In pursuance to notice under section 9 & 10 only one claim has been filed, claiming Rs. 10,000/- per Sq. yards, but, claim has not been supported by any documentary evidence. In the absence of any documentary evidence, I can not accept this rate also.

In view of the factors discussed above I do not find it justified to determine the Market value of this land at a rate less than fixed by Government for acquisition of agricultural land. At the same time in the absence of any documentary evidence on record I do not think it justified to determine the market value at a rate higher than Rs. 4.65 lacs per acre. I am, therefore, of the considered opinion that Rs. 4.65 lacs per acre is the just price. I accordingly determine the market value @ Rs. 4.65 lacs per acre i.e. Rs. 96875/- per bigha.

contd...

(Surjit Lal)



STRUCTURE :

There are 16 structures on the land under Acquisition, which were existing on the land prior to the issuance of notification u/s 4. Valuation of the same has been done by the surveyor of works -II P.W.D. Surveyor of work-II PWD has sent his report and the value of 16 structures has been assessed as Rs. 28,45,000/- Detail of the same is given as under :-

| S.No. | Khasra No.                     | Value ( Rs.) |
|-------|--------------------------------|--------------|
| 1     | 23/15 min                      | 82,500/-     |
| 2     | -do-                           | 1,17,100/-   |
| 3     | 23/6/2 - 15 min                | 23,400/-     |
| 4     | -do-                           | 34,700/-     |
| 5     | -do-                           | 1,11,300/-   |
| 6     | <del>23/15 min</del> 23/15 min | 2,21,700/-   |
| 7     | -do-                           | 3,69,300/-   |
| 8     | -do-                           | 1,46,800/-   |
| 9     | -do-                           | 1,52,500/-   |
| 10    | -do-                           | 3,66,300/-   |
| 11    | -do-                           | 1,11,700/-   |
| 12    | -do-                           | 1,72,400/-   |
| 13    | -do-                           | 1,03,000/-   |
| 14    | 23/6/2                         | 3,77,200/-   |
| 15    | -do-                           | 2,02,000/-   |
| 16    | -do-                           | 2,53,100/-   |
|       |                                | 28,45,000/-  |

WELL/TUBE WELL

There is no well or Tube well in any Khasra No. under acquisition. Hence no compensation is to be paid for Well/Tube Well.

TREE

There is no tree on the Land under acquisition, hence no compensation for tree.

SOLATIUM

As provided under sub section 2 of section 23 of the land Acquisition Act, the interested persons will be paid 30% solatium on the Market value of the land due to compulsory nature of acquisition as per provisions of the land Acquisition Amendment Act 1984.

Contd...

( Sarjit Lal )



POSSESSION :

Physical possession of the land has not been taken over so far. Therefore, interest under section 34 of the land Acquisition Act is not paid. Since the land is fully built up, possession would be taken after the announcement of the Award.

ADDITIONAL AMOUNT :

The interested persons are entitled to additional amount @ 12% per annum on the Market value of the land from the date of notification u/s 4 till the date of possession or the announcement of Award, whichever 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 or 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. Compensation @ Rs. 96,875/- per bigha for 4 Bigha 4 Biswa               | 4,06,875-00  |
| 2. Value of Structures                                                     | 28,45,000-00 |
|                                                                            | <hr/>        |
|                                                                            | 32,51,875-00 |
| 3. Solatium @ 30% on the Market value under section 23(2)                  | 9,75,563-00  |
| 4. Additional amount @ 12% per annum w.e.f. 21-9-93 to 15-12-95 (816 days) | 8,72,393-00  |
|                                                                            | <hr/>        |
| TOTAL                                                                      | 50,99,831-00 |
|                                                                            | <hr/>        |

( RUPEES FIFTY LACS NINETY NINE THOUSAND EIGHT HUNDRED THIRTY ONE ONLY)

Submitted for approval.

*(Signature)*  
( SURJIT LAL )  
LAND ACQUISITION COLLECTOR,  
DELHI

*(Signature)*  
SECRETARY (REVENUE)

*Announced in the open court on 20/12/95. Same notice u/s 12 (2) done 20/12/95*



607

GOVERNMENT OF THE NATIONAL CAPITAL TERRITORY OF DELHI  
LAND & BUILDING DEPARTMENT: VIKAS BHAWAN: NEW DELHI.

NOTIFICATION

Dated: 21-12-93

No.F.10(49)/91-L&B/LA/(ii): Whereas it appears to the Lt. Governor, Delhi that the land is likely to be required to be taken by the Government at the public expenses for a public purpose, namely for the Planned Development of Delhi i.e. Development of DWARKA PROJECT, it is hereby notified that the land in locality described below is likely to be required for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern under the provisions of section 7 of the said Act, the Collector of Delhi is hereby directed to take orders for the acquisition of the said land.

A plan of the land may be inspected at the office of the Collector of Delhi.

SPECIFICATION

| Name of village | Total Area (Big.-Bis.) | Khasra No. | Area (Big.-Bis.) |
|-----------------|------------------------|------------|------------------|
| Dabri           | 4-04                   | 23/6/2     | 2-02             |
|                 |                        | 23/15      | 2-02             |

By order,

(H. D. BIRDI)  
JOINT SECRETARY (L&B)  
Govt. of the National  
Capital Territory of  
Delhi.



DATED : 21-9-93

NOTIFICATION

No.F.10(49)/91-L&B/LA/(1) : Whereas it appears to the Lt. Governor, Delhi that the land is likely to be required to be taken by Government at public expense for a public purpose, namely for the Planned Development of Delhi i.e. Development of DWARKA PROJECT, it is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

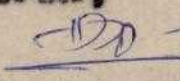
In exercise of the powers conferred by the aforesaid section, the Lt. Governor is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

The Lt. Governor, Delhi being of the opinion that the provisions of sub-section (1) of section 17 of the said Act are applicable to this land, is further pleased under sub-section 4 of the said section to direct that the provisions of section 5-A shall not apply.

SPECIFICATION

| S.No. | Village | Total Area<br>(Bigha-Biswa) | Khasra No.      | Area<br>(Bigha-Biswa) |
|-------|---------|-----------------------------|-----------------|-----------------------|
| 1.    | Dabri   | 4-04                        | 23/6/2<br>23/15 | 2-02<br>2-02          |

By order,

  
( H.D.BIRDI )  
JOINT SECRETARY(L&B)  
GOVERNMENT OF THE NATIONAL  
CAPITAL TERRITORY OF DELHI.